



**Employment Relations (Allowing Higher Earners to Contract Out of Personal Grievance Provisions) Amendment Bill**

**Submission to the Transport and Industrial Relations Select Committee**

**May 2017**



**For a better working life**

New Zealand Public Service Association  
Te Pūkenga Here Tikanga Mahi



# Employment Relations (Allowing Higher Earners to Contract Out of Personal Grievance Provisions) Amendment Bill

## PSA submission to Transport and Industrial Relations Select Committee

### Introduction

#### *Who we are*

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 63,000 members. We are a democratic organisation representing members in the public service, the wider state sector (the district health boards, crown research institutes and other crown entities), state owned enterprises, local government, tertiary education institutions and non-governmental organisations working in the health, social services and community sectors.

The PSA has been advocating for strong, innovative and effective public and community services since our establishment in 1913. People join the PSA to negotiate their terms of employment collectively, to have a voice within their workplace and to have an independent public voice on the quality of public and community services and how they're delivered.

The PSA is an affiliate of the New Zealand Council of Trade Unions Te Kauae Kaimahi, and strongly supports and recommends its submission to the Committee.

### PSA submission

#### *The PSA opposes this bill*

This Bill proposes changes the law relating to personal grievances for those earning over \$150,000. It reduces their employment rights. To the best of our knowledge approximately 0.2%, or 126 of those who are members of the PSA, would be personally and directly affected. On behalf of these members the PSA opposes this bill.

We recommend that the Bill does not pass on the following grounds:

1. Its intent is not sufficiently articulated and is therefore unclear.
2. To justify removing a legislative protection that supports economic security for a specified group of citizens, and their families, a clear and well-reasoned policy objective is needed. This has not been provided.
3. There is no clear public interest in legislating for a lesser degree of economic security for this particular category of employees and their families.

4. The Bill is poorly drafted and would have negative and presumably unintended consequences including removing:
  - The ability of employees to pursue disputes about the interpretation of their employment agreement (s129);
  - Protections against sexual and racial harassment (ss 108 – 109);
  - Protection from victimisation for raising health and safety issues (s110A); and
  - Requirements for employers to keep wage and time records (s130).

The PSA is particularly concerned that should the contracting out of protections provided for by the Bill be sought and gained by State sector employers this would provide lesser protections for, and therefore could discourage, much needed integrity behaviours by senior public servants such as justified whistleblowing.

We recommend that the Committee does not progress this Bill.

For further information about this submission contact:

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