



NEW ZEALAND

Affiliated with the International Federation of Business & Professional Women

BPW
NEW ZEALAND

New Zealand Federation of Business
and Professional Women Incorporated

P O Box 28 326

Remuera

Auckland 1136

New Zealand

Email: legislation@bpwnz.org.nz

Telephone : 04 2399-037

Facsimile : 09 521 0013

Mobile: 0274 83 8863

Website: www.bpwnz.org.nz

16th August 2009

SUBMISSION

Re: Review of the Holidays Act 2003

Introduction

1. This submission is from the New Zealand Federation of Business and Professional Women Inc.

Our organisation

2. Our organisation's aims are to link professional and businesswomen throughout the world, to provide support, to lobby for change and to promote the ongoing advancement of women. We work for equal opportunities and status for all women in economic, civil and political life and the removal of discrimination in all countries. We promote our aims and organise our operating structure without distinction as to race, language or religion.

Our membership is approximately 750.

Our structure is comprised of a National Executive, 30 branches located nationwide between Kaitaia and Southland, with a number of individual members in areas where there is no branch. We are a non political organisation.

Our interest in this bill is because we are a women's group who are committed to ensure equality for all working women through advocacy, education and mentoring.

We are pleased to submit our views on this review as we have policy that was passed in 1998 and 2002, refer below

14.7 Paid Statutory Holidays

- 14.7.1 **LOBBIES** the Minister of Labour to ensure that, at the minimum, the status quo remains with regard to paid statutory holidays. **(1998)**

14.7.2 **Paid Holiday Leave**

SUPPORTS the retention of the current legislation for three (3) weeks paid holiday leave for employees plus statutory holidays. (2002)

BPW NZ realises that the above piece of policy is now outdated and that we now have four weeks annual leave. The following are opinions on the questions asked in the review.

1 - The Calculation of Relevant Daily Pay (RDP)

The existing method calculating Holiday pay is a workable and reasonably understandable one and BPW NZ does not feel there is any reason to change this.

2 - Trading the Fourth Week of Annual Leave for Cash at the Employees Request

BPW NZ believes that an **employee** should have the right to request trading in his/her fourth week of annual leave for cash if they so desire. For some people on lower wages the cash is a better alternative for them than having an extra week's holiday. As the majority of lower paid employees are women this is something that should be easy for them to ask for and negotiate.

It may be that the employee wants to have the fourth week in cash every year during their employment or it may be a one off request. This must be able to be negotiated by the employee easily and be a clause in an employment contract so that the employee is aware that it is available to them if they so desire.

BPW NZ believes that any request for negotiation on this subject must only come from the employee so that there is no question of an employee feeling they must take this option.

The Employer would also be protected if this written into the employee's contract as the terms and conditions would be clearly laid out.

3 - Allowing all Employers and Employees to agree to transfer the observance of a Public Holiday listed in the Act to another day

BPW NZ would like to see the transference of a public holiday to another day where it has meaning to people of a different religion. This would mean people of any religious belief could observe their special religious observances on the day without having to eat into their annual leave entitlement.

However it would have to be a direct transfer of an existing Statutory Holiday of religious observance. For instance Anzac day would not be able to be transferred and nor would Waitangi day as neither are an observance of a religious festival rather they are a celebration of the commitment of New Zealander's to their country and what it means to them.

The problems occur when it is a compulsory Statutory Holiday as on Christmas Day and Boxing day. Most Employer's (unless they are a service industry) shut down for these days and because it is summer when these Holidays occur they often get included in the general break of the three week shutdown for Manufacturing companies and Government departments.

4 - The Accumulation of alternative holidays (Days in Lieu).

There are many companies that already provide in their employees contracts the provision for "days in lieu". BPW NZ can see no reason to change this as each Employer manages this type of arrangement through the way they write their employees contracts and it is seen to be necessary when an employee puts in extra time for the employer to meet a deadline. The Employee will often go the extra mile if he/she is aware that there is a "reward" of a day on lieu.

5 - The Treatment and Entitlements of casual employees in relation to Holidays and leave

BPW NZ has no comments on this other than to say it appears to be working in our experience and see no need to change the existing wording in the Act.

6 - Treatment of Public Holidays

As New Zealand is predominately a Christian Country BPW NZ believes that the current Statutory Holidays are relevant and in accord with the majority of New Zealanders beliefs. We believe that there are enough statutory holidays and do not believe that they should be increased.

5 - Shop trading on Easter Sunday and its interface with the Holidays Act 2003

Easter Sunday should be recognised as a Public Holiday as it is a significant day in the Christian religious calendar.

BPW NZ does not believe it should be Mondayised as that removes the significance of its importance to the Christian faith.

BPW NZ Thanks you for the opportunity to have our say and we hope that our comments are of use to you in implementing the review.

Yours Sincerely

Noeline Reisch
Legislation Convenor
BPW NZ