



29th March 2018

Committee Secretariat
Education and Workforce Committee
Parliament Buildings
Wellington 6140
E-mail: ew@parliament.govt.nz

Re: Submission to the Employment Relations Amendment Bill 2018

This submission is from The New Zealand Federation of Business and Professional Women (BPW NZ) Inc.

Our interest in this Bill is because we are committed to representing the interests of working women and advancing and empowering women in the workplace. This is reinforced by our membership of the Women's Empowerment Principles: Equality Means Business which holds as one of its principles "ensuring the health, safety and well-being of all women and men workers".

General Comments:

Part 1: Amendments related to Collective Bargaining and Unions:

BPW International Policy:

In its wholehearted commitment to the empowerment of women and the achievement of gender equality. BPW International supports unconditionally the full implementation of international initiatives agreements, conventions and treaties such as the Beijing Declaration Platform for Action, Convention on the Elimination of All Discrimination against Women (CEDAW) including the Optional Protocol, International Labour Organisation (ILO), Decent Work Agenda and initiatives, Joint Initiative of UN Women and UN Global Compact Women's Empowerment Principals (WEPs) and UN Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages and so on.

- 1.1.1 We would also like to reference one of the eight fundamental Conventions of the ILO
- 1.1.2 Rights to Organise and Collective Bargaining Convention, 1949 (No. 98) which New Zealand ratified on the 30th June 2015.

BPW NEW ZEALAND

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Part 2

There are significant amendments to the Employment Relations Act 2000 (the Act) proposed in this Bill and good outcomes are often dependent on negotiation and a trusting relationship between the employer and the employee. The reality is that in most employee/employer situations there is a distinct imbalance of power that will tip negotiation in favour of the employer. This is particularly so in areas where unemployment is high and there are few employment opportunities for unskilled workers. This does not bode well for New Zealand's most vulnerable employees and vulnerable part-time employees, who are generally women.

2.1 Comments on changes to rest and meal breaks Part 6D

We quote:

The third principle of the Women's Empowerment Principles:

"THAT businesses ensure the health, safety and well-being of all women and men workers"

Article 97 of the International Labour Organisation (Rest Periods)

"The normal daily working time must be interrupted by a rest and meal break of not less than one hour and not exceeding two hours, such that workers do not work for more than five hours of normal working time consecutively."

Article 11f of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

"The right to protection of health and to safety in working conditions"

2.2.1 The Health and Safety in Employment Act (Amendments 2002) identified clearly the issues of safety in the workplace and the necessary breaks and timeframes to ensure workers do not suffer fatigue and become a risk to themselves or others in the workplace.

2.2.2 If there are not regular and adequately timed meal breaks:

- The likelihood of misjudgement and injury increases for those working with machinery.
- Tired and hungry employees are likely to make mistakes or be affected by mood and if dealing with the public this could have negative effects on the business.
- Employees with certain health conditions are likely to have negative health outcomes. Meal breaks need to be well organised and adhered to for the management of conditions like diabetes and low blood sugar which require regular food intakes.

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- 2.2.3 We recognise that in some employment situations flexibility is required as to when breaks occur, e.g. café and restaurants. However, this is not an excuse to do away with those breaks altogether. We would also add here that toilet breaks are essential for women as research shows us that 'holding on' can have detrimental health effects.
- 2.2.4 Some women do two or even three part-time jobs and have no breaks in between those jobs. This coupled with no breaks during each of these jobs will affect their health and welfare over time.
- 2.2.5 Some women are working in environments where they are not provided the legislative requirements for work place breaks and rest periods, nor provided the necessary means to take regular breaks currently. It can be reasonably asked why these women are not coming forward and the answer would be because of a very real fear of losing their employment with potentially no other work opportunities in their area, therefore placing additional financial burden on the family income.

3 Comments on continuity of employment for vulnerable employees (Part 6A of the Employment Relations Act 2000) We support this: -

- 3.1 The MBIE Regulatory Impact Statement, April 2013 notes that the benefits of having special continuity for employment protection for the specified workers are likely to outweigh any costs and we believe this to be the case.
- 3.2 The changes to part 6A of the Act are about continuity of employment for vulnerable employees.
- Many of these workers are in part-time jobs and the majority are women with limited education qualifications and limited knowledge of bargaining powers.
 - Business and performance are more likely to suffer if employees feel they have lost the benefits of a just and fair agreement on terms and conditions of employment.
- 3.3 We are particularly concerned about the vulnerability of ethnic women in New Zealand who may be forced through family ties to accept very low wages in businesses with family connections. New immigrant women and ethnic students, who have difficulty in finding work, are more likely to accept bad conditions because of the difficulty in finding a job.

General Comments

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1. BPW NZ has a proud history of working to improve conditions for women in employment. Some examples of our work are:
2. 1959, the National Council for Equal Pay and Opportunity was set up by the Public Service, trade unions, the Federation of University Women (NZFUW), the National Council of Women (NCW) and the New Zealand Federation of Business & Professional Women (BPW NZ), to work for equal pay for work of equal value, and equal opportunity in employment
3. 1960, representatives of BPW NZ worked on the Council, lobbying, discussing and making submissions to the Minister of Labour on behalf of working women, which was instrumental in persuading the Government of the day to pass the Government Services Equal Pay Act which provided for most women working in government positions to receive the same pay as their male counterparts.
4. 1969, BPW NZ prepared and presented submissions to the Commission of Enquiry into Equal Pay.
5. 1972, BPW NZ worked towards the establishment of the Equal Pay Act for equity of pay in the private sector.
6. 2012, BPW New Zealand with UN Women Aotearoa New Zealand launched the **Women's Empowerment Principles: Equality Means Business**
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8. 2012, October 15th, BPW International collaboration was announced in Geneva as the Gender Expert with the International Organization of Employers (IOE) and we bring the voice of women to business as an expert resource on gender diversity.
9. 2013, BPW NZ submitted on the Employment Relations Amendment Bill
10. Women of other cultures living in New Zealand need the protection our laws presently provide and to be offered support to ensure they can access the same protections as any other New Zealander

Executive Summary

BPW NZ's position is that employment law must be fair to both parties to ensure the rights of the employee are respected, that employees (particularly the vulnerable and marginalised)

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are not exploited and that good employment practices are upheld to help the economy grow sustainably. We note that this Bill is tempered with an understanding of small business realities.

BPW NZ supports many of the amendments listed in Part 2 and have submitted and urged that they be adopted as was the case in our submissions of 2013.

BPW NZ suggests that the Select Committee request a gender impact analysis of these changes to provide an assessment of who will be most affected. This is in line with CEDAW article 2 which New Zealand has ratified.

Our Organisation

Our organisation's aims are to link professional and business women 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.

International Status:

BPW International has General Consultative Status at the United Nations through the UN Economic & Social Council (ECOSOC). This enables BPW International to appoint official representatives to UN agencies worldwide and to accredit members to attend specific UN meetings.

Thank you for the opportunity to speak to our submission and we hope that our comments are of use to you.

On behalf of
New Zealand Federation of Business and professional Women Inc.

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