



11 December 2018

Maria van Kleef  
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Ref: OIA 1819-0755

Dear Maria van Kleef,

Thank you for your email of 24 October 2018 to the Minister of Employment requesting, under the Official Information Act 1982 (OIA), the following information:

*"Could you please explain who is responsible for implementing new Employment Standards legislation? How much notice is given prior to enactment and who does it? I am particularly interested in when the 1 Apr 2016 Employment standards Legislation commencement date applied to individual and collective agreements and how Parliament ensured there was extensive nationwide coverage of it. Could you please provide the details of exactly who Parliament notified about the 1 Apr 2016 Employment legislation commencement dates i.e. which media outlets, businesses, employer forums, law firms/NZ Law Society, unions etc. were notified of this and when."*

Your request was transferred to the Ministry of Business, Innovation and Employment (the Ministry) on 13 November 2018, as your questions relate most directly to the operational functions of the Ministry.

The changes to employment law that came into force on 1 April 2016 consisted of amendments to five pieces of legislation: the Employment Relations Act 2000, the Minimum Wage Act 1983, the Wages Protection Act 1983, the Parental Leave and Employment Protection Act 1987 and the Holidays Act 2003. The Ministry administers each of these Acts and is responsible for implementing any changes made to them by Parliament, once they pass into law.

The complete package of changes referred to above was considered by Parliament together as a single omnibus bill, the Employment Standards Legislation Bill. This was a Government Bill led by the previous Minister for Workplace Relations and Safety, Hon Michael Woodhouse. Information about the Bill's passage through Parliament, including submissions and advice received by the Transport and Industrial Relations Committee (select committee), are available via the Parliament website:

[https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/00DBHOH\\_BILL64668\\_1/employment-standards-legislation-bill](https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/00DBHOH_BILL64668_1/employment-standards-legislation-bill).

Employment agreements that came into force after 1 April 2016 (whether individual or collective) were immediately required to comply with all aspects of these amendments. Some individual and collective employment agreements that were already in force prior to 1 April 2016 required changes to become compliant with respect to the new provisions on hours of work, availability, shift cancellation, and secondary employment (sections 67C to 67H of the Employment Relations Act 2000). To give affected parties time to make any necessary changes, the 2016 legislation provided a transition period, meaning that sections 67C to 67H:

- did not affect collective agreements that were in force immediately prior to 1 April 2016, but would apply to any agreement that replaced the previous agreement
- applied from 1 April 2017 to any individual employment agreement that was in force prior to 1 April 2016.

The transitional provisions are set out in Schedule 1AA of the Employment Relations Act 2000.

The previous Minister for Workplace Relations and Safety issued a number of press releases as the Employment Standards Legislation Bill progressed through Parliament. The Minister's office was responsible for sending the releases out to their media distribution lists. The press releases are available on the Beehive website:

*Before the Bill was introduced to Parliament:*

- 26 March 2015: <https://www.beehive.govt.nz/release/govt-moves-strengthen-employment-standards>
- 2 April 2015: <https://www.beehive.govt.nz/release/changes-provide-more-support-families>
- 12 July 2015: <https://www.beehive.govt.nz/release/addressing-zero-hour-contracts>

*During the Parliamentary process:*

- Bill Introduction, 14 August 2015: <https://www.beehive.govt.nz/release/employment-standards-bill-introduced>
- Signalling changes to increase paid parental leave for pre-term babies, 9 September 2015: <https://www.beehive.govt.nz/release/ppl-extended-parents-pre-term-babies>
- Bill passage, 11 March 2016: <https://www.beehive.govt.nz/release/zero-hour-contracts-gone-ppl-extended>.

The remainder of this response outlines the activities undertaken by the Ministry to publicise the 2016 law changes.

## **Advertising**

The Ministry ran an advertising campaign to promote the changes. The campaign was split evenly between online and radio advertising and ran for four weeks from 4 April 2016. Radio advertisements were placed in English on Mai FM, Flava and Niu FM and in Samoan on 531PI, Radio Samoa and Samoan Capital Radio. The online component comprised display ads on Stuff.co.nz, NZHerald.co.nz, the Google Display Network, Seek.co.nz, Trade Me Jobs and through the Made Media Mobile network. There was also a social media component focusing predominantly on Facebook. This enabled the Ministry to target different groups, such as young employees, students, small business owners or managers and parents. Twitter was also used to target small businesses.

## **Web content**

Information about the changes was published on the Ministry's websites: [www.mbie.govt.nz](http://www.mbie.govt.nz), [www.employment.govt.nz](http://www.employment.govt.nz) and [www.business.govt.nz](http://www.business.govt.nz). Some pages have moved or been updated since the legislation passed through Parliament.

*Summaries of the changes:*

- <https://www.mbie.govt.nz/info-services/employment-skills/legislation-reviews/employment-standards-legislation-bill>
- <https://www.employment.govt.nz/about/employment-law/employment-law-changes/>
- <https://www.business.govt.nz/news/four-minute-round-up-of-2016s-law-changes/>

*News items on the MBIE and Employment.govt.nz websites:*

- 10 March 2016: <https://www.mbie.govt.nz/about/whats-happening/news/2016/employment-standards-bill-passed/?searchterm=Employment%20standards%2A>
- 10 March 2016 <https://www.employment.govt.nz/about/news-and-updates/employment-standards-bill-passed/>
- 26 March 2015: <https://www.mbie.govt.nz/about/whats-happening/news/2015/package-to-strengthen-employment-standards/?searchterm=Employment%20standards%2A>
- 1 April 2016: <https://www.mbie.govt.nz/about/whats-happening/news/2016/employment-law-changes-come-into-force-today>
- 1 April 2016: <https://www.employment.govt.nz/about/news-and-updates/employment-law-changes-come-into-force-today/>

*Business.govt.nz news items*

A number of articles were published on the Business.govt.nz website aimed at small businesses:

- 21 March 2016: <https://www.business.govt.nz/news/enforcement-of-employment-standards/>
- 21 March 2016: <https://www.business.govt.nz/news/parental-leave-more-of-it-for-more-people/>
- 21 March 2016: <https://www.business.govt.nz/news/new-compensation-rules-for-cancelled-shifts/>
- 21 March 2016: <https://www.business.govt.nz/news/times-up-for-zero-hour-contracts/>
- 19 April 2016: <https://www.business.govt.nz/news/got-staff-you-need-to-know-the-new-rules/>
- 27 May 2016: <https://www.business.govt.nz/news/april-2016-wage-hike/>

**Mailouts**

An email about the changes was sent out on 5 April 2016 to 19,635 people who subscribed to receive employment policy updates from the Ministry. Also in April 2016, a newsletter was sent out to 173,576 business.govt.nz subscribers.

Thank you again for your enquiry. I trust that you find the information helpful.

Yours sincerely



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Labour, Science and Enterprise  
Ministry of Business, Innovation and Employment