



COVERSHEET

Minister	Hon Iain Lees-Galloway	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Updating employment regulations to reflect the Employment Relations (Triangular Employment) Amendment Act 2019	Date to be published	14 July 2020

List of documents that have been proactively released

Date	Title	Author
21 May 2020	<i>Updating employment regulations to reflect the Employment Relations (Triangular Employment) Amendment Act 2019</i>	<i>Office of the Minister for Workplace Relations and Safety</i>
26 May 2020	<i>LEG-20-MIN-0064 – Employment Relations Amendment Regulations</i>	<i>Cabinet Office</i>

Information redacted

YES / NO [select one]

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Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Employment Relations Amendment Regulations

Portfolio **Workplace Relations and Safety**

On 26 May 2020, the Cabinet Legislation Committee:

- 1 **noted** that the Employment Relations (Triangular Employment) Amendment Act 2019 (the Triangular Employment Act) progressed through Parliament as a Member's Bill and will commence on 28 June 2020;
- 2 **noted** that the Triangular Employment Act creates new processes for personal grievance claims involving 'triangular employment' arrangements, and these processes need to be reflected in the regulations setting out the procedures of the Employment Relations Authority;
- 3 **noted** that reflecting the Triangular Employment Act in regulations also provides an opportunity to make other minor changes to employment regulations, to ensure they are up-to-date and user-friendly ;
- 4 **noted** that the Employment Relations Authority Amendment Regulations 2020 also provide for minor and technical amendments to:
 - 4.1 create a new application form to be used by employees or employers who wish to join a 'controlling third party' to a personal grievance;
 - 4.2 create a new 'statement in reply' form to be used by parties responding to an application to join a 'controlling third party' to proceedings;
 - 4.3 modernise the Employment Relations Authority Regulations 2000 by deleting or updating references to outdated practices and technology;
 - 4.4 revoke obsolete parts of the principal regulations (eg regulations that refer to now-repealed sections of the Employment Relations Act 2000);
- 5 **noted** that the Employment Relations (Prescribed Matters) Amendment Regulations 2020 amend the form that businesses are required to use when notifying MBIE of strikes or lockouts, to remove the reference to a legislative definition of 'partial strikes' that was repealed in 2018;

- 6 **authorised** the submission to the Executive Council of the:
- 6.1 Employment Relations Authority Amendment Regulations 2020 [PCO 22753/5.0];
 - 6.2 Employment Relations (Prescribed Matters) Amendment Regulations 2020 [PCO 22751/4.0];
- 7 **noted** that a waiver of the 28-day rule is sought:
- 7.1 so that the Amendment Regulations come into effect on 28 June 2020, to coincide with the commencement of the Triangular Employment Act;
 - 7.2 on the grounds that the Amendment Regulations will have little or no effect on the public, and/or will confer only benefits on the public;
- 8 **agreed** to a waiver of the 28-day rule so that the Amendment Regulations come into effect on 28 June 2020 (the date of commencement for the Triangular Employment Act).

Gerrard Carter
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon Dr David Clark
Hon David Parker
Hon Stuart Nash
Hon Damien O'Connor
Hon Kris Faafoi
Hon Tracey Martin
Hon Aupito William Sio
Hon James Shaw
Hon Julie Ann Genter
Hon Eugenie Sage
Michael Wood, MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG