



COVERSHEET

Minister	Hon Iain Lees-Galloway	Portfolio	Workplace Relations and Safety
Name of package	Employment Relations (Infringement Offences) Regulations 2019	Date of issue	3 May 2019

In March 2019, Cabinet agreed to make section 65(1)(a) of the Employment Relations Act 2000 an infringement offence via the *Employment Relations (Infringement Offences) Regulations 2019*. This will come into effect on 6 May 2019. This minor, technical change clarifies an infringement in line with the original policy intent and does not change an employer's requirement to have a written employment agreement for each employee. The detail of why this change was needed has been withheld to protect legal privilege. Find out more about this requirement on [the Employment New Zealand website](#).

List of documents that have been proactively released		
Date	Title	Author
13/2/2019	Issuing Infringement Notices for Breaches under the Employment Relations Act 2000	Office of the Minister for Workplace Relations and Safety
13/2/2019	Minute of Decision: Issuing Infringement Notices for Breaches under the Employment Relations Act 2000	Cabinet Office
19/3/2019	Employment Relations (Infringement Offences) Regulations 2019	Office of the Minister for Workplace Relations and Safety
19/3/2019	Minute of Decision: Employment Relations (Infringement Offences) Regulations 2019	Cabinet Office

Cabinet considered the 'Issuing Infringement Notices for Breaches under the Employment Relations Act 2000' paper on 18 February 2019 and the 'Employment Relations (Infringement Offences) Regulations 2019' paper on 25 March 2019.

Information withheld

The proactive release of the Cabinet paper 'Issuing Infringement Notices for Breaches under the Employment Relations Act 2000' was delayed to allow consideration of the subsequent Cabinet paper 'Employment Relations (Infringement Offences) Regulations 2019'.

Some parts of this information release are not appropriate to be released and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified and are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Section of the Act	Reason for withholding
9(2)(h)	Maintain legal professional privilege
9(2)(g)(i)	The free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty

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Cabinet Economic Development 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.

Issuing Infringement Notices for Breaches under the Employment Relations Act 2000

Portfolio Workplace Relations and Safety

On 13 February 2019, the Cabinet Economic Development Committee:

- 1 **noted** that under the Employment Relations Act 2000 (the Act) labour inspectors can issue infringement notices to businesses that cannot supply employment agreements upon request;
- 2 s 9(2)(g)(i)
- 3 s 9(2)(g)(i)
- 4 **agreed** to make breach of section 65(1)(a) of the Act an infringement offence;
- 5 **invited** the Minister for Workplace Relations and Safety to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 6 **authorised** the Minister for Workplace Relations and Safety to make decisions consistent with the proposals in the paper under DEV-19-SUB-0018, on any issues which arise during the drafting process.

Janine Harvey
Committee Secretary

Hard-copy distribution: (see over)

Present:

Hon Kelvin Davis
Hon Grant Robertson (Chair)
Hon Phil Twyford
Hon Dr Megan Woods
Hon David Parker
Hon Nanaia Mahuta
Hon Iain Lees-Galloway
Hon Jenny Salesa
Hon Damien O'Connor
Hon Shane Jones
Hon Kris Faafoi
Hon James Shaw
Hon Julie Anne Genter

Officials present from:

Office of the Prime Minister
Officials Committee for DEV

Hard-copy distribution:

Minister for Workplace Relations and Safety

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