



## COVERSHEET

<b>Minister</b>	Hon Iain Lees-Galloway	<b>Portfolio</b>	Workplace Relations and Safety
<b>Name of package</b>	<b>Employment Relations (Infringement Offences) Regulations 2019</b>	<b>Date of issue</b>	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](#).

<b>List of documents that have been proactively released</b>		
<b>Date</b>	<b>Title</b>	<b>Author</b>
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.

<b>Section of the Act</b>	<b>Reason for withholding</b>
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 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 (Infringement Offences) Regulations 2019

**Portfolio**                      **Workplace Relations and Safety**

On 19 March 2019, the Cabinet Legislation Committee:

- 1        **noted** that on 13 February 2019, the Cabinet Economic Development Committee (DEV) agreed to make breach of section 65(1)(a) of the Employment Relations Act 2000 an infringement offence [DEV-19-MIN-0018];
- 2        **noted** that the Employment Relations (Infringement Offences) Regulations 2019 will give effect to the decision referred to in paragraph 1 above;
- 3        **agreed** that the infringement fee for breach of section 65(1)(a) of the Employment Relations Act 2000 is \$1,000;
- 4        **authorised** the submission to the Executive Council of the Employment Relations (Infringement Offences) Regulations 2019 [PCO 21990/4.0];
- 5        **noted** that the Employment Relations (Infringement Offences) Regulations 2019 will come into force on 6 May 2019.

Vivien Meek  
Committee Secretary

**Present:**

Rt Hon Winston Peters  
Hon Chris Hipkins (Chair)  
Hon David Parker  
Hon Stuart Nash  
Hon Iain Lees-Galloway  
Hon Tracey Martin  
Hon Kris Faafoi  
Hon Aupito William Sio  
Hon Eugenie Sage  
Hon Ruth Dyson (Senior Government Whip)

**Officials present from:**

Officials Committee for LEG

**Hard-copy distribution:**

Minister for Workplace Relations and Safety