

Employment Relations Amendment Bill



New Zealand Council Of
Christian Social Services

August 2025

Tirohanga Whānui | Overview

The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on the Employment Relations Amendment Bill. While we support changes to the Employment Relations Act 2000 to improve outcomes for employers, we challenge the kaupapa of the proposed changes as we believe that these are being made at the expense of the rights and wellbeing of employees. We tautoko the concerns raised in the [submission by Te Pūkenga Here Tikanga Mahi \(PSA\)](#) that the proposed changes swing the balance in favour of employers at the expense of vulnerable employees, and oppose the passing of this legislation

Whakaaro | Discussion

Our main points are:

Item One: Changes to the personal grievance process increase the risk of employees being unfairly treated or dismissed

We oppose the changes to the personal grievance process allowing the Employment Court and Employment Relations Authority (ERA) to reduce personal grievance remedies, by up to 100%, if the employee has contributed to the situation their personal grievance relates to. There is no justification for this change in the legislation given that it is already possible under current law for this decision to be reached. However, making these changes will reduce employer accountability and increase the risk of employees being unfairly treated or dismissed. The change in legislation means that employers will be able to use any poor behaviour by employees as justification for their own poor behaviour or dismissal in personal grievance claims. This risks some employers exploiting these changes to intentionally provoke employees to behave badly so as to avoid paying remedies.

Item Two: Changes to the Contractor Employee Test will lead to employees losing employment rights due being misclassified as contractors

We oppose the changes to the contractor employee test. Although we understand that changes to the current system would allow more clarity in who is defined as a contractor, the test as currently proposed, risks inappropriately defining workers as contractors rather than casual employees. This misclassification of an employee as a contractor risks removing the rights they would otherwise be entitled to under regular employment law including an ability to pursue personal grievance claims as well as Kiwisaver, minimum wage and leave entitlements such as sick and bereavement leave (Employment New Zealand, 2025). Many employees in lower paid positions, such as those working for ride share services would be at risk of misclassification as contractors. These workers are usually young and often in positions where the availability of work is unreliable (Harris, 2021). The proposed changes risk these vulnerable workers losing their rights.

Item Three: Removal of the 30-day rule will disadvantage vulnerable workers

We oppose the removal of the 30-day rule which ensures that new employees in positions where a collective agreement is available are covered by this agreement for the first 30 days. Removing new employees being covered by collective agreement removes their automatic access to the benefits covered by the collective agreement and signs them up to a 90-day trial period, which are not usually

included as part of a collective agreement. Additionally, these changes mean employers no longer have to provide employees with “active choice forms” or be required to pass on information about the role and functions of the relevant unions (Peacock, 2025a). This puts an increased burden on the employee to seek out information about unions and the coverage provided by collective agreements, deterring them from joining and unfairly disadvantages already vulnerable employees. There has been a lack of engagement and consultation from the government with union representatives regarding how these changes are likely to impact union membership (Peacock, 2025b). Union membership is associated with significant increases in productivity, as well as other benefits such as better workplace enjoyment, lower staff turnover and improved safety (Hill, 2022). Additionally, collective agreements have been demonstrated to provide both higher productivity and wages without a negative impact on the profit of businesses who utilise these (Garnero et al, 2019).

Taunakitanga | Recommendations

We recommend that this bill does should not progress.

Ngā Tohutoro | References

- Employment New Zealand. (2025). *Employee or contractor?*
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- Hill, K. (2022). *Worker well-being and the role of trade unions, workers and employers* [Master’s thesis, Massey University Albany].
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<https://newsroom.co.nz/2025/04/22/van-velden-skipped-consultation-before-scrapping-30-day-rule/>
- Peacock, A. (2025b). *Van Velden turns down union meetings in ‘unprecedented’ lack of engagement*. Newsroom. <https://newsroom.co.nz/2025/02/04/van-velden-turns-down-union-meetings-in-unprecedented-lack-of-engagement/>

Ko wai tātou | Who we are

NZCCSS has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches.

Through this membership, NZCCSS represents over 100 organisations providing a range of social support services across Aotearoa. Our mission is to call forth a just and compassionate society for Aotearoa, through our commitment to our faith and Te Tiriti o Waitangi.

Further details on NZCCSS can be found on our website - www.nzccss.org.nz.

Ingoa whakapā | Contact Name

Alicia Sudden ceo@nzccss.org.nz
Katie Schraders