

Welcome!

Welcome to the first edition of Presbyterian People for 2009!



Presbyterian Church
of Aotearoa New Zealand

This edition covers the introduction of Trial Periods and the Employment Relations (Breaks, Infant Feeding, and Other Matters) Amendment Act 2008 and changes to the Minimum Wage.

If there is a topic you would like to see covered in a future edition please email me at juliette@presbyterian.org.nz.

90-Day Trial Periods

From **1 March 2009** employers with fewer than 20 employees will have the option of employing new staff on an initial trial basis.

- Employers must have 19 or less employees at the time of hiring
- Trial periods do not apply to people already employed by an employer or when an employer rehires a former employee.
- The employer and employee must negotiate in good faith whether to have a trial period, the length of the trial period and whether to specify the notice period
- The trial period cannot extend more than 90 calendar days
- Where an employer terminates employment they must give notice where this has been negotiated and included in the employment agreement
- If an employee is let go during the trial period (and any notice period is honoured) they cannot take a personal grievance for unjustified dismissal
- Employees may still take a personal grievance on grounds other than unjustified dismissal (i.e. discrimination, harassment etc)
- Both parties still have the option of mediation during the trial period
- The trial period counts towards the employee's length of service with the employer

Trial Periods vs Probationary Periods

- The provisions for probationary periods in the Employment Relations Act 2000 still apply. Probationary periods differ in that larger employers may still offer them and employees can take a personal grievance for unjustified dismissal
- Employers must be clear with their employees as to whether they are offering a trial period (s67A & B of the ERA 2000) or a probationary period (s67). Copies of the Act can be downloaded for free from www.legislation.govt.nz
- From 1 March 2009 it is important that employers check employment agreements before giving notice to terminate during a trial period to ensure their action is legal
- To avoid problems, employers are recommended to seek advice before offering a trial period.

Changes to the Minimum Wage

From **1 April 2009** the Adult Minimum Wage increases to \$12.50 and the Training and New Entrants Wage increases to \$10.00.

Tea Breaks and Infant Feeding in the Workplace

The **Employment Relations (Breaks, Infant Feeding, and Other Matters) Amendment Act 2008** was passed into law in early September. From **1 April 2009** regular breaks (paid and unpaid) will be stipulated for employees and employers must provide facilities and breaks for breastfeeding employees, where practicable.

Infant Feeding

Employers must provide appropriate facilities and unpaid breaks for employees who wish to feed infants at work (includes breastfeeding and expressing breast milk) as far as reasonable and practicable. In most workplaces it is expected that this will involve providing a private place for infant feeding and the use of a refrigerator. Infant feeding breaks are in addition to the rest and meal breaks in the section below. Employers may agree to pay the employee during infant feeding breaks and may also agree to the employee using their rest and meal breaks for infant feeding as well.

Rest and Meal Breaks

Employees must receive a minimum number of breaks each working day or shift. The actual number of breaks an employee receives depend on the length of their day/shift:

- 1x 10 minute rest break if working 4 hours or less (paid)
- 1x 10 minute rest break (paid) and 1x 30 minute meal break (unpaid) if working 4-6 hours
- 2x 10 minute rest breaks (paid) and 1x 30 minute meal break (unpaid) if working 6-8 hours
- Where an employee works more than 8 hours the schedule begins again

An employer may offer more breaks or pay the employee for unpaid breaks. The Act allows employers and employees to negotiate on the timing and location of the rest breaks. Where they do not agree they can refer the matter to mediation.

Employers who do not comply with the requirements for either infant feeding or rest and meal breaks may be penalized by the Employment Relations Authority. A full copy of the Act is available from www.legislation.govt.nz and the Department of Labour is working on a Code of Compliance due for release in July 2009.

Just a reminder that the Personnel team at the Assembly Office are there to help. For assistance with employment and ministry settlement please email Juliette at juliette@presbyterian.org.nz. For questions regarding police checks and marriage celebrants please email Clare at clare@presbyterian.org.nz.