

## Welcome!

Welcome to the second edition of Presbyterian People for 2008.



Presbyterian Church  
of Aotearoa New Zealand

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As always, if there is an issue you would like to see covered in future editions please email me at [juliette@presbyterian.org.nz](mailto:juliette@presbyterian.org.nz).

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## Ministry Development Programme

In 2004 the General Assembly affirmed the need for a system that would:

- Identify leadership development needs for parishes and particularly for ministers.
- Provide relevant and timely feedback (on a no surprises basis), thus providing role satisfaction, mission/role clarity, cohesiveness between the minister and parish, and training for specific areas identified to benefit both the minister and the parish.
- Assist a minister in his/her future mission decisions, with the chance to reflect on the past and to prepare for the future (including personal goals).

This idea was broadened by the General Assembly in 2006 to include a process that recognizes ministers who are committed to developing themselves both spiritually and as a leader in order to enhance their capacity to meet their community's needs.

Since that time an enormous amount of work has gone into developing the **Ministry Development Programme** that embraces both reviews and recognition of ministers. Copies of this programme will be made available to each presbytery in the months leading up to the 2008 General Assembly and I ask that you take the time to read through the material.

For those of you who receive Candour, I would like to draw your attention to the essay by the Rev Susan Jones on page 6 in the April 2008 (no. 3) edition.

**For advice contact: Juliette Bowater, Employment Advisor at (04) 801-6000 or by email at [julietteb@presbyterian.org.nz](mailto:julietteb@presbyterian.org.nz).**

## **The Employment Relations (Breaks and Infant Feeding) Amendment Bill**

You may have already seen or heard in recent media reports that the Government is currently considering legislation that would prescribe rest and meal breaks as well as require employers to provide facilities for employees breastfeeding babies.

The Employment Relations (Breaks and Infant Feeding) Amendment Bill had its first reading on 9 April 2008 and the Government has asked for submissions by 19 May 2008. I have briefly summarized the main points of the Bill below:

### **Infant Feeding**

The Bill requires employers to provide appropriate facilities and breaks for employees who wish to feed infants at work (including breastfeeding) as far as reasonable and practicable. These breaks would be unpaid and would be in addition to the other breaks prescribed in the Bill.

### **Rest and Meal Breaks**

The Bill would require that employees receive a minimum number of breaks each working day or shift. The actual number of breaks an employee would receive would 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 i.e. 12 hours would equal 3x 10 minute breaks (paid) and 1x 30 minute meal break (unpaid)

This Bill sets out the minimum requirements and there would be nothing to stop an employer from providing more breaks or for paying the employee for unpaid breaks. It should be noted however that although the Bill allows for some flexibility it does require that breaks be taken in the middle of a work period. This means it is probably going to be unlawful for an employee to finish earlier in lieu of taking a rest or meal break—which commonly happens at present.

The penalties for failing to meet either requirement has been set at a maximum fine of \$5,000.00 for individuals and \$10,000.00 for businesses.

A full copy of the Bill is available free from [www.legislation.govt.nz](http://www.legislation.govt.nz)

## **The Employment Relations (Flexible Working Arrangements) Amendment Act 2007**

In the last edition I covered the Employment Relations (Flexible Working Arrangements) Amendment Act 2007 which comes into effect on 1 July 2008. The purpose of the Act is to provide a statutory right for employees who provide for the care of any person to request a variation of their terms and conditions. Employers have a responsibility to consider such a request. I have set out the process for employers below:

Employers must consider the variation as soon as possible and notify the employee of their decision.

The employer may decline the variation on the following grounds:

- The employee does not meet the eligibility criteria (i.e has worked for employer for less than six months; is not responsible for care of any person; has already made a request under this Act in preceding 12 months)
- Inability to reorganize work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods of work proposed
- Planned structural changes
- Burden of additional costs
- Detrimental effect on meeting customer demands

However, where a collective agreement is in place, the employer must decline the variation where:

- The employee is bound by that collective agreement, AND
- The request relates to working arrangements covered by the collective agreement, AND
- The variation would be inconsistent with the collective agreement.

For more information on this Act please contact the Employment Advisor or refer to [www.legislation.govt.nz](http://www.legislation.govt.nz) for free copy of the Act in full.

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### **Update on Kiwisaver**

The requirement for employers to make compulsory contributions came into effect on 1 April 2008. In terms of the Kiwisaver Act, compulsory employee membership is only required where an employee commences new employment. That employee then has the option of withdrawing from the scheme. This includes new ministers or ministers moving between parishes.

**Update on Kiwisaver (continued)**

Parishes should note the Act specifically exempts compulsory employer contributions in the case of employees who are already members of a registered complying superannuation fund. The Beneficiary Fund qualifies and as such parishes do not have to contribute to ministers' Kiwisaver schemes in addition to existing contributions to the Beneficiary Fund. This should be explained to ministers who are members of the Beneficiary Fund and who have joined a Kiwisaver scheme either by choice or by automatic enrolment when commencing an appointment.

However in order to provide Kiwisaver benefits to ministers, the Council of Assembly has endorsed a recommendation from the Church Property Trustees and the Beneficiary Fund Committee that a Kiwisaver compliant component be incorporated into the Beneficiary Fund. The proposal has the following benefits:

- No change to the benefits of existing members.
- No additional cost to parishes.

Tax rebates associated with Kiwisaver membership will be available to ministers and parish's.

Details of the changes are being developed and a consultation process with Presbyteries is to be undertaken. The Beneficiary Fund has informed the Finance Manager that they will communicate details to members within the next two weeks. In the meantime, ministers may contact Doug Langford, Secretary of the Beneficiary Fund at [doug@langford.co.nz](mailto:doug@langford.co.nz) or Ashley Goss from AON at [Ashley.goss@aon.co.nz](mailto:Ashley.goss@aon.co.nz) .

**Update on the Legislative Compliance Audit**

A big thank you to all of the parishes who have returned their legislative compliance forms. This information provides a snapshot of how Presbyterian parishes are doing when it comes to meeting their legislative responsibilities. It also helps us plan future training resources to assist parishes.

For many years AON have produced an insurance guide for parishes to help them with this area but it has become apparent that many parishes no longer have a copy. If you would like an information pack for your parish please email the Employment Advisor at [juliette@presbyterian.org.nz](mailto:juliette@presbyterian.org.nz).

Please remember to post your professional indemnity form to the Assembly Office by **Thursday 24 April 2008**.