

Welcome!

Welcome to the first edition of Presbyterian People for 2008.



Presbyterian Church
of Aotearoa New Zealand

This year, Presbyterian People will be produced bi-monthly to accommodate the extra workload from General Assembly 2008. However, advice on employment, leadership and health and safety matters will still be available throughout the year. Contact details are listed below.

This edition of Presbyterian People will be a bit bigger than usual as it covers:

- Changes to minimum wage rates and the abolition of youth rates (p1)
- Compulsory employer contributions to Kiwisaver (p2)
- The Flexible Working Arrangements Bill (p3)
- Health & safety definitions (p4)

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

Changes to the Minimum Wage

From 1 April 2008 the Youth Minimum Wage will be replaced by the **New Entrants Minimum Wage**. A New Entrant is defined as any worker aged 16 to 17 years of age unless they:

- Have completed 3 months or 200 hours of service (whichever is the lesser), OR
- Have been supervising or training other employees, OR
- Are subject to the Minimum Training Wage

This means that existing 'youth' workers who meet either the first or second criteria above will, from 1 April, be paid according to the adult Minimum Wage. Where they fall into the third category they will be paid according to the Minimum Training Wage.

Some important things to note include:

- The 3 months/200 hours service includes service to different employers (i.e. can be accumulated) and includes service prior to 1 April 2008.
- Service completed prior to the age of 16 is not included.
- The Minimum Training Wage only applies to employees undertaking recognized industry training (i.e. an apprenticeship) and does not include those employees who also happen to be enrolled in university or polytechnic studies, for example.

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

Changes to the Minimum Wage (cont.)

The minimum wage rates will also change as at 1 April 2008 to the following:

Adult Minimum Wage (16 years and over)	\$12.00
New Entrants Minimum Wage	\$9.60
Minimum Training Wage	\$9.60

Further information on pay-rates can be found on the Department of Labour's website www.dol.govt.nz.

Compulsory Employer Contributions to Kiwisaver

Beginning 1 April 2008 employers must make a minimum contribution for employees enrolled in Kiwisaver. This minimum contribution will be phased in over four years and will look like this:

Year	Employer	Employee (Contribution must be at least 4%)
2008	1%	4% or 8%
2009	2%	4% or 8%
2010	3%	4% or 8%
2011	4%	4% or 8%

As explained in earlier publications from the Finance Team, ministers are eligible to join Kiwisaver. However the employer subsidy is still under discussion given ministers' Beneficiary Fund status. The Church Property Trustees are seeking advice on behalf of the Beneficiary Fund.

For More Information

The Finance Team are currently updating the Treasurers' Manual for parishes.

For questions on Kiwisaver please contact the Senior Finance Administrator, Margaret Fawcett, at margaret@presbyterian.org.nz.

You can also sign-up for regular updates from IRD at:

www.ird.govt.nz/kiwisaver/employers/keeping-up-to-date/ks-emp-new-legislation.html

Finally, you can also access information on Kiwisaver from the following websites:

www.kiwisaver.org.nz

www.med.govt.nz

www.treasury.govt.nz/budget/2007/kiwisaver

The Employment Relations (Flexible Working Arrangements) Amendment Act 2007

On 1 July 2008 the Flexible Working Arrangements Act will come into effect. The Act gives certain employees the right to request a variation to their working arrangements.

To be eligible, the employee must:

- Have worked for the employer for at least six months
- Be responsible for providing care to any person

A variation to working arrangements includes:

- The hours of work
- The days of work
- The place of work

To apply for a variation, the employee must:

- Apply in writing, providing their name, the date of the request and the section of the Act the request is being made under (s69)
- Specify the variation required, the date it would take effect and, if appropriate, the date the variation would end
- Explain how the proposed variation will enable them to better provide care for another person
- Specify any changes the employee thinks the employer would need to make to accommodate the variation

Employees cannot make a request where they have already requested a variation within the preceding 12 months.

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
- 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 Employment Relations (Flexible Working Arrangements) Amendment Act 2007 (cont.)

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

Where a dispute arises over the request for a variation, the matter is to be referred to a Labour Inspector in the first instance.

A full copy of the legislation is available free from www.legislation.govt.nz

Health & Safety—some definitions

Under the Health and Safety in Employment Act 1992 parishes are expected to take all practicable steps to protect employees (includes ministers), contractors and sub-contractors, volunteers, trainees and those on work experience and loaned employees from hazards.

Parishes are also required to ensure members of the public who are either lawfully on the property or in the vicinity of the property are protected from hazards. To do this, parishes need to have an active plan to identify, manage and eliminate hazards. Where a person is harmed, the workplace must record the incident and investigate to determine the cause and stop it happening again.

However the Act distinguishes between harm and 'serious harm'.

Harm is defined as:

“(a) means illness, injury, or both; and

(b) includes physical or mental harm caused by work-related stress”

Whereas Serious Harm is defined by the Act as:

“*Serious harm*, subject to subsection (4) of this section, means death, or harm of a kind or description declared by the Governor-General by Order in Council to be serious for the purposes of this Act; and *seriously harmed* has a corresponding meaning”

In the event a serious harm event occurs the Secretary of the Department of Labour must be notified within **7 days** of the event. Failure to do so could result in each individual with responsibility for notifying the Secretary being fined up to a maximum of \$250,000.

Health & Safety—some definitions (cont.)**Description of Serious Harm**

The current description of Serious Harm referred to on the previous page includes:

1. Any of the following conditions that amounts to or results in permanent loss of bodily function, or temporary severe loss of bodily function: respiratory disease, noise-induced hearing loss, neurological disease, cancer, dermatological disease, communicable disease, musculoskeletal disease, illness caused by exposure to infected material, decompression sickness, poisoning, vision impairment, chemical or hot-metal burn of eye, penetrating wound of eye, bone fracture, laceration, crushing.
2. Amputation of body part.
3. Burns requiring referral to a specialist registered medical practitioner or specialist outpatient clinic.
4. Loss of consciousness from lack of oxygen.
5. Loss of consciousness, or acute illness requiring treatment by a registered medical practitioner, from absorption, inhalation or ingestion of any substance.
6. Any harm that causes the person harmed to be hospitalised for a period of 48 hours or more commencing within 7 days of the harm's occurrence.

This description may be altered from time-to-time so feel free to contact me if you are in any doubt as to whether an injury is included in the description.

In the Event of Serious Harm

If your parish finds itself in this situation please contact me immediately to ensure you meet your responsibilities. I will also notify our insurers so that you are covered in the event of exemplary damages being awarded against you.

Parishes enrolled in the Working Safe programme have available to them a helpdesk to provide assistance on these matters and are strongly encouraged to use it!

As a part of its investigation OSH will ask to see a copy of your parish's active health and safety plan. If you do not have a plan in place you are strongly advised to enrol in the Working Safe programme to ensure they are complying with the legislation.

To join, please email Rev Simon McLeay at simon@stcolumba.org.nz.