



*Hi from Shafid & Ngaire from
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CONTRACTORS PAYROLL / ACCOUNTING NEWSLETTER

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www.livestockoffice.co.nz

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COLLECTIVE AGREEMENTS

The legislative requirements for Collective Agreements:

- 1 Only Employers and Unions can be a party.
- 2 They cannot run for longer than 3 years, unless negotiations have already begun.
- 3 They will apply only to Union Members.
- 4 The following are automatic in Collective Agmtnt
 - a A coverage clause
 - b A variations clause
 - c An expiry date or event
 - d Continuity of employment
 - e A Union fee deduction clause.

The following conditions will apply to **EMPLOYEES**:
Only members of the applicable union/s can be covered by the Agreement, and then only if their work comes under the coverage clause.

Where Employees do not wish to become union members, then a Collective is not the preferred option. Numbers will determine whether a mix of Collective and Individual Agreements is preferable, or if non-Union employees wish to form their own Union, or whether it is better to have all employees on Individual Agreements.

The coverage clause must relate to **all** work employees perform. It is absolutely essential to have Job Descriptions set up so that the Employer retains maximum flexibility in terms of moving people around the operation.

Endeavour to negotiate a provision which allows for individual conditions to be agreed between Employee and Employer, to allow for arrangements between a single employee, or group of employees and their employer. Unions generally apply conditions to ALL employees.

Where it is agreed to have wage scales in an Agreement, make sure they are stated to be minimum, so Employers may negotiate higher rates for Individual employees.

Where an Employee is a member of the applicable Union, and they agree to negotiate an Individual Agreement, then their terms and conditions must comprise the terms and conditions of the applicable Collective Agreement.

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UNIONS

Employees Rights

- 1 Anyone can be a member of a Union
- 2 Must be allowed to attend up to 2 union meetings of a maximum of 2 hours each and be paid for this time if it's during their work time – union needs to ensure employers business is not unreasonably disrupted
- 3 Entitled to be free from discrimination in respect of membership or non-membership of a union.

Employers Rights

- 1 Unions are entitled to access to workplaces at all reasonable times to deal with Health & Safety, monitor compliance with a Collective Agreement, monitor compliance with relevant legislation, discuss union business.
- 2 Can refuse entry if the union rep is entering the workplace and it is not at a reasonable time.
- 3 Access may be denied on religious grounds
- 4 Must be given 14 days notice of any paid union meeting that is going to occur.

Where there is no applicable Collective Agreement, or where the Employee is not a member of the applicable Union, the terms and conditions can be whatever is negotiated between the Employer and the Employee, i.e. Individual Agreement.

Union Rights

Under the Employment Relations Act, Trade Unions have much greater access to work places:

- 1 To represent their members in relation to any matter involving their collective interest as Employees.
- 2 To represent an individual employee in relation to their individual rights as an employee, so long as they have authority from the employee to do so.
- 3 To enter a workplace for any purpose related to the employment of their member/s or for purposes related to the union's business, or both. They may enter only a reasonable time during any period when employees are employed to work in the workplace.

These rights allow Unions to visit worksites for the express purpose of recruiting new members, as well as visiting existing members. They must comply with existing Health & Safety procedures/requirements.