



**Employment Relations Amendment Bill
Education and Workforce Committee**

The Salvation Army New Zealand Fiji, Tonga and Samoa Territory Submission

EXECUTIVE SUMMARY:

1. The Salvation Army **supports** in principle the majority of this Bill, specifically the aspects of;
 - 1.1 Introducing greater fairness in the workplace between employees and employers, in order to promote productive employment relationships, and;
 - 1.2 Improving the standards and protections for employees and strengthening the relationships between unions, employees and employers.
2. However, there are specific provisions in the Bill that we are **opposed** to, particularly as they relate to our role as an employer. The Salvation Army employs almost 2,000 staff, has approximately 1,500 volunteers and 400 officers across New Zealand, Fiji, Tonga and Samoa.
3. The following provisions are the ones we oppose or want to highlight in this submission;
 - 3.1 **Part 4 / Clause 4** – Acknowledging that staff workloads must be closely managed for staff members who have been appointed as union delegates.
 - 3.2 **Part 4 / Clauses 6 to 8** – Union access to workplaces are a positive thing however clarity is needed because the nature of some of our social services means vulnerable clients and visitors are often present in our workplaces. We want to ensure that these clients we serve are protected and are not disrupted by various people entering our workplaces, including union officials. Therefore we **oppose** this provision unless there are more protections put in place for sensitive workplaces such as the ones The Salvation Army operates around the country.
 - 3.3 **Part 6 / Clause 18** – Supplying union information for employees is again another positive development. Nonetheless, we submit greater clarification is necessary here to define the responsibilities and costs for both the employers and unions involved in providing this information. Until this issue is clarified, we will **oppose** the passing of these provisions.

BACKGROUND:

4. The Salvation Army is an international Christian and social services organisation that has worked in New Zealand for over one hundred and thirty years. The Army provides a wide range of practical social, community and faith-based services, particularly for those who are suffering, facing injustice or those who have been forgotten and marginalised by mainstream society. We have over 90 Community Ministry centres and Churches (Corps) across the nation, serving local families and communities. We are passionately committed

to our communities as we aim to fulfil our mission of caring for people, transforming lives and reforming society through God in Christ by the Holy Spirit's power.¹

5. This submission has been prepared jointly by the Social Policy and Parliamentary Unit, and the Human Resources Department of The Salvation Army. Our Human Resources Department is regularly working with the Employment Relations Act 2000 and dealing with employment issues 'at the coal face'. This Amendment Bill will have clear impacts on the daily employment relations activities of The Salvation Army which are primarily overseen by our Human Resources Department. The Social Policy and Parliamentary Unit works towards the eradication of poverty by encouraging policies and practices that strengthen the social framework of New Zealand.²

GENERAL COMMENTS:

6. As mentioned above, we generally support the majority of this Bill. The Salvation Army is passionate about ensuring we have strong relationships between employer, employees and also volunteers. While we work with several unions, we primarily work with the Public Service Association (PSA) in regards to union representation and information, and we want to maintain robust relationships with all the unions we work with. We believe this Bill meets these core goals of transparent and resilient interactions between our organisation, our employees, and the unions.

SPECIFIC COMMENTS ON THE LEGISLATION:

Part 4 / Clause 4

7. We support our staff members to be involved in union activities and seek appointment as union delegates if they desire to do so. This helps build the important connections mentioned in paragraph 6 above.
8. We **support** and endorse in particular the protections for employers and employees found in the new section 18A(2) and (3) under clause 4 of this Bill. Union delegate responsibilities should be balanced with staff workloads as well as the personal capacity and responsibilities of the staff members. A large proportion of the work our staff engage in through our food banks, addictions services, social and emergency housing, counselling and other service areas involves interacting with people facing vulnerable, complex and critical life situations. Union delegate work is very important. At the same time we want to ensure that any staff member who has union delegate responsibilities is healthy (mentally, emotionally and physically) is able to balance the stresses of their normal work with the union work.

Part 4 / Clauses 6 to 8

9. We **oppose** these provisions as they are currently set out in this Bill.

¹ <http://www.salvationarmy.org.nz/about-us/mission-statement>

² <http://www.salvationarmy.org.nz/research-media/social-policy-and-parliamentary-unit>

10. We contend that the existing provisions in section 20A of the Principal Act should remain in force because they provide the necessary protections for many of The Salvation Army workplaces in Aotearoa New Zealand that house, or are meeting and interactive areas for our staff and vulnerable clients. Section 20A should not be repealed and union representatives must under this Act request and obtain the consent of the employer before entering a workplace, principally sensitive workplaces with numerous vulnerable clients and complex engagements taking place between staff and clients.
11. As mentioned in paragraphs 1, 6, 7 and 8 above, we are supportive of union activities taking place in our workplaces. Due to the nature of the workplaces we have and the clientele The Salvation Army provides services to and engages with, unfettered access by union representatives to these kinds of workplaces may cause significant problems for us and our clients we serve. The specific workplaces that are concern for us are:
- Residential facilities such as those operated by our Addictions, Supportive Accommodation and Reintegration Services (ASARS);
 - Marlborough Hospice;
 - Early Childhood Education Centres;
 - Community Ministry Centres.
12. **ASARS Residential Facilities** – The Salvation Army engages with a large number of vulnerable people who have high needs and require specialist support. Residents in our facilities often have one or more of the following: addiction issues, mental health issues, recently released from prison, limited social skills and unpredictable personalities. We are concerned that if unions could access a workplace without giving any prior notice to our local staff, this could create a potentially unsafe situation for our staff, the union representatives and clients. In residential facilities the clients are living on-site and for the period of their stay the facility is their home as well as being a workplace. Having someone the residents do not know access the facility at unexpected times could be seen as being unfair to residents and could create an unsafe situation.
13. **Marlborough Hospice** - At this facility, there are some very vulnerable patients. We consider it is paramount that the interactions these patients have with staff at the site are caring, respectful and managed closely. It is only fair to residents to notify them in advance if a union representative is visiting the facility and engaging with staff or undertaking union activities. If clauses 6 to 8 of this Bill are passed, the union would not be required to provide notice of any intended visits. We do not support this approach.
14. **Early Childhood Education Centres** – The Salvation Army operate four Early Childhood Education Centres throughout New Zealand and all staff at these sites is required to comply with the Safety Checking provisions in the Vulnerable Children (Requirements for Safety Checks of Children’s Workers) Regulations 2015. Under the current arrangements as per section 20A of the Act, union visits can be managed and we can ensure the union representatives do not have any direct access to the children at the centres so this checking is not required. As part of The Salvation Army’s approach to Child Protection, we require anyone working at the site having unsupervised access to children to undergo a Police clearance check. If these provisions pass and section 20A is repealed, then union representatives would not be required to undergo this check before entering our Early Childhood Education Centres. Again, this is untenable for The Salvation Army.
15. In the event that section 20A of the Principal Act is repealed, we propose an additional revision whereby unions would be required to provide written notice to the employer within

a reasonable time period (i.e. 24 hours) if they intend on having representatives visit a workplace for union activities.

Part 6 / Clause 18

16. We **oppose** the passing of this clause.
17. Under the current law, when a new employee begins work for an employer where there is a collective agreement in place, the employee must be told a collective agreement exists and covers work to be done by the employee, that the employee may join the union that is a party to the collective agreement; how to contact the union; and if the employee joins the union, the employee will be bound by the collective agreement. The employee must be given a copy of the collective agreement.
18. If the new section 59AA of this Bill was to pass, then additional obligations are placed on employers to provide this additional information over and above the current information provided to employees under the current Act. This clause or section means the employer will be obliged to provide information relating to the role and function of the union which has been specified by the union. The only way an employer can refuse to provide this information is if the information is defamatory.
19. We submit that these additional requirements could potentially lead to an increased financial burden on The Salvation Army. The wording of clause 18 or new section 59AA does not specify how much information is to be given, how frequently the union can request the employer provides this information to new staff, or where the cost of producing such information will fall.
20. We are a large employer with multiple collective agreements. If we were required to pay for, print, and send a significant amount of information about the union to all new staff in roles covered by one of these collective agreements, then that would require a sizeable financial and resourcing investment from us. We are a Christian charity that aims to be good stewards of the resources we have, especially the various types of donations that New Zealanders have generously given to us. If this provision was to pass, we contend this would not be an effective and wise use of our limited financial and human resources. For these reasons we oppose this provision.

CONCLUSION:

21. Again, we support the majority of this Bill. However, we have outlined above the specific aspects of the Bill that we oppose or want to highlight. We thank you for the opportunity to submit on this important piece of legislation.

For further contact regarding this submission, please contact:

- Lt Colonel Ian Hutson, Director,
- Social Policy and Parliamentary Unit, The Salvation Army
- ian_hutson@nzf.salvationarmy.org
- +64 274 713 645