Starting employment

Starting a new job is an exciting and challenging time. It’s important for employers to use good hiring processes, and for everyone to follow minimum rights and responsibilities.

- Who is an employee
- Hiring
- Sample appointment letters
- Employment agreements
- Trial and probationary periods
- Unions & bargaining
- Rights and responsibilities
- Right to work in New Zealand

Hours and wages

All about pay, hours at work, record keeping and what breaks employees are entitled to.

- Pay and wages
- Rests and breaks
- Hours of work
- Keeping accurate records

Leave and holidays

Employees become entitled to annual holidays, public holidays, sick leave, bereavement leave, parental leave and other types of leave as long as they meet certain conditions.

- Minimum leave and holidays entitlements
- Public holidays
- Annual holidays
- Sick leave
- Bereavement leave
- Parental leave
- Other types of leave
- Calculating payments for holidays & leave
- Jury service
Workplace policies

Clear workplace policies and procedures support employment agreements and mean everyone knows how things are meant to be done. This section provides help in some key areas.

- What are workplace policies?
- Employee performance
- Health and safety at work
- Productive workplaces
- Protected disclosures
- Workplace change
- Restraint of trade
- Work equipment and clothing
- Tests and checks
- Employment for disabled people

Resolving problems

The best way to prevent employment relationship problems between an Employer and Employee.

- Employment relationship must do's
- Types of problems
- Steps to resolve
- Preventing relationship problems
- Escalating unresolved issues

Ending employment

There are several ways in which employment relationships may be ended, such as resignation, retirement, dismissal or redundancy.

- Resignation
- Abandonment of employment
- Constructive dismissal
- Retirement
- Dismissal
- Redundancy
- Giving and accepting notice
- Final pay
- **Starting employment**
  - Back
  - Starting employment
  - **Who is an employee**
    - Back
    - Who is an employee
    - **Types of employee**
    - **Contractor versus employee**
    - **Volunteers**
  - **Hiring**
    - Back
    - Hiring
    - **Preparing for the hiring process**
    - **Describing the job**
    - **Advertising the job**
    - **Job applications**
    - **Interviews**
      - Back
      - Interviews
      - **Interview tips for applicants**
    - **Selecting and appointing**
      - Back
      - Selecting and appointing
      - **Psychometric testing and assessment centres**
    - **Induction**
    - **Discrimination when hiring**
      - Back
      - Discrimination when hiring
      - **Transgender employees**
    - **Hiring young people**
      - Back
      - Hiring young people
      - **Why employ young people**
      - **Find and hire young staff**
      - **Support and train young staff**
      - **Help and resources for young people**
      - **Barriers to youth employment**
  - **Sample appointment letters**
  - **Employment agreements**
    - Back
    - Employment agreements
    - **Types of employment agreements**
    - **Things an agreement must contain**
    - **Offering employment agreements**
    - **Employment agreement builder**
    - **Unfair bargaining**
 Trial and probationary periods
  - Back
  - Trial and probationary periods
    - Trial periods
    - Probationary periods
 Union & bargaining
  - Back
  - Unions and bargaining
    - Unions
    - Collective agreements
      - Back
      - Collective agreements
        - Collective bargaining
          - Back
          - Collective bargaining
            - Initiation of collective bargaining
            - Preparing for bargaining
            - Preparing your team
            - Negotiating the agreement
            - After the negotiations
            - Good faith
              - Back
              - Good faith
                - Code of good faith in collective bargaining
          - Passing on collective agreement terms
  - Unable to agree
  - Strikes and lockouts
  - Employment relations education leave
    - Back
    - Employment relations education leave
      - Calculating, allocating and taking ERE leave
      - ERE-approved courses
      - Applying for ERE course approval
        - Back
        - Applying for ERE course approval
          - Criteria used to assess ERE course approval
          - Critical success factors for ERE initiatives
        - Using pre-approved courses
        - Applying to have a course re-approved
 Rights and responsibilities
  - Back
  - Rights and responsibilities
    - Minimum rights of employees
    - Employment responsibilities
    - Working more than one job
    - Protecting employees who work alone
    - Young employees
 Right to work in New Zealand
- Public holidays
  - Public holidays and anniversary dates
    - Back
    - Holidays and anniversary dates
    - iCalendar feeds
    - Public holiday and anniversary dates for previous years
- Public holidays falling on a weekend
  - Back
  - Public holidays falling on a weekend
    - Entitlements when a public holiday falls on Saturday
    - Entitlements when a public holiday falls on Sunday
- Falls within leave period
- Employees working shifts or on call
- Transferring by agreement
- Alternative holidays
- Restricted shop trading days
  - Back
  - Restricted shop trading days
  - Restricted shop trading tool
  - Local council Easter Sunday shop trading policies
- Annual holidays
  - Back
  - Annual holidays
  - Entitlements
    - Casual, fixed-term or changing work patterns
    - Cashing-up annual holidays
    - Annual closedowns
    - Other information about annual holidays
- Sick leave
  - Back
  - Sick leave
    - Sick leave entitlements
    - Requirement for medical examination
    - Sick leave and ACC payments
- Bereavement leave
- Parental leave
  - Back
  - Parental leave
    - Eligibility
      - Back
      - Parental leave eligibility – who can take it
      - Eligibility table
    - Types of leave
      - Back
      - Types of parental leave
      - Keeping in touch days
      - Protecting your job
    - Taking leave
Workplace policies

What are workplace policies?

Employee performance
- Back
- Employee performance
- Growing performance
  - Back
  - Growing performance
  - Setting expectations
  - Good communication
    - Back
    - Good communication
    - Catch-ups
    - Performance reviews
    - Giving and getting feedback
    - Positive conversations and reaching agreement

- Managing performance issues
  - Back
  - Managing performance issues
  - Why manage performance issues
    - Back
    - Why manage performance issues
    - Possible causes
      - Questions managers should ask themselves
      - How to manage performance issues
        - Back
        - How to manage performance issues
        - Informal intervention
        - Formal intervention
      - When performance improves

- On-the-job training
  - Back
  - On-the-job training
    - Training, development and coaching
    - Education and training for trades

- Health and safety at work
- Productive workplaces
  - Back
  - Productive workplaces
  - Work-life balance
  - Flexible working arrangements
    - Back
    - Flexible work
    - Benefits, rights and responsibilities
    - How to apply
      - Back
      - How to apply
      - Checklist
- Considering a request
  - Back
  - Considering a request
- Responding to a request checklist
- Approving a request
- Declining a request
- Unresolved requests
- High Performance Work Initiative (HPWI)
- Employee privacy
- Protected disclosures
- Workplace change
  - Back
  - Workplace change
    - Overview of workplace change
    - Workplace change process outline
    - Assessing the impact of structure change on jobs
    - Selection process
    - Restructuring when a business is sold or transferred
- Restraint of trade
- Work equipment and clothing
  - Back
  - Work equipment and clothing
    - Tools of trade
    - Vehicles
    - Uniforms and dress codes
- Tests and checks
  - Back
  - Tests and checks
    - Criminal record checks
    - Drugs, alcohol and work
    - Credit checks
- Employment for disabled people
  - Back
  - Employment for disabled people
    - Disability definitions and etiquette
    - The benefits of being a disability confident organisation
    - Plan to become a disability confident organisation
    - Reasonable accommodation (measures)
    - Communications support
    - Hiring disabled people
    - Keeping disabled employees
    - Financial help and wages
    - Disability information and resources for employers
    - Resources and government support for disabled employees and jobseekers
- Resolving problems
  - Back
  - Resolving problems
  - Employment relationship must do's
Employment relationship must do's
- **Good faith**
  - Good faith
  - Not misleading or deceptive
  - Be responsive and communicative
  - Decisions which might cause job loss
- **Good reason**
- **Fair process**

*Types of problems*
- Back
- Types of problems
  - **Misconduct and serious misconduct**
    - Back
    - Misconduct and serious misconduct
    - Employee actions outside of work
  - **Bullying, harassment and discrimination**
    - Back
    - Bullying, harassment and discrimination
    - General process
    - Bullying
    - Harassment
    - Discrimination
    - Transgender people discrimination
    - Exceptions to unlawful discrimination
- **Incompatibility**
- **Medical incapacity**

*Steps to resolve*
- Back
- Steps to resolve
  - **Informal actions**
  - **Warnings**
  - **Disciplinary action**
    - Back
    - Disciplinary action
    - Disciplinary process
    - Investigations
    - Suspension
  - **Personal grievances**
    - Back
    - Personal grievances
    - What is a personal grievance?
    - The personal grievance process
    - Unjustifiable dismissal
    - Unjustified disadvantage
- **Mediation**
  - Back
Unions

Employees can choose whether or not to join a union. Unions negotiate collective employment agreements. Unions can represent employees in negotiations with employers. They can also provide support and representation in cases where employees believe their rights have been violated. Unions often negotiate terms such as wages, working conditions, and benefits. They can also provide training and support for members. Unions can also be involved in collective bargaining processes, where they negotiate with employers on behalf of their members.
A union is an organisation that supports employees in the workplace by acting as an advocate for them collectively (and with the consent of the employee, individually). Unions bargain for collective employment agreements with employers and help employees with information and advice about work-related issues. You have to pay a fee to be a union member.

There are unions for different kinds of workplaces and jobs so if you’re thinking about joining or setting up a union, you should find out about the ones that cover the type of work you do. For more information about unions, visit NZCTU. (external link)

A registered union has to: have at least 15 members, become an incorporated society and register as a union.

The Register of unions (external link) provides industry coverage data on all registered unions.

The Companies Office (external link) website can help you with union registration.

**Union membership is a choice**

As an employee, you have the right to choose whether or not to become a union member. No-one (employers, managers, colleagues, union members or union officials) can threaten, or put (directly or indirectly) undue pressure on you:

- to be or not to be a union member, or
- to not act on behalf of other employees, or
- to leave your job because you are or aren’t a union member.

A contract, agreement or other arrangement can’t:

- require anyone to be or not to be a union member or a member of a particular union
- give a person, just because they are or aren’t a union member or a member of a particular
An employer can’t discriminate against an employee in their employment because they’re involved in union activities. Union activities include:

- being an officer, management committee member, delegate, representative or official of a union
- being a collective bargaining negotiator or representative
- participating in a lawful strike
- being involved in forming a union
- submitting a personal grievance
- being involved in making or supporting a claim for some benefit of an employment agreement
- applying for or taking employment relations education leave.

**Discrimination** has more information that can help you determine your legal rights.

### Cost to join a union

Each union sets its own fees, so membership fees can vary from one union to another. Usually the fee for union membership is deducted from your pay and passed on to the relevant union directly by the employer.

**Deductions** has more information about union-related deductions.

### Union meetings

Union members can go to at least two union meetings (which can be up to 2 hours long each), every calendar year. If a meeting is during an employee’s normal working hours, the employer has to pay them their ordinary pay while attending the meeting (but not if the employee wouldn’t normally be working then). If an employment agreement has more than the minimum, for example, it states that each meeting can be up to 4 hours long, then the provisions in the employment agreement apply.

### Notice of union meetings

- The union and employer should act in good faith to try to agree on a meeting time that works for both of them, thinking about the employer’s operational requirements.
- The union must give the employer at least 14 days’ notice of the date and time of a union meeting.
- The union must make arrangements with the employer to maintain the employer’s business during union meetings (which may include enough union members not attending the meeting so the employer’s operations can continue).
- After the meeting, the union must give the employer a list of members who attended and confirm how long the meeting was.
- The employees must be back at work as soon as practical after the meeting, and the employer doesn’t have to pay a union member who attends a meeting for any period longer than 2 hours.
A union’s right to access a workplace

Both the employer and the union should deal with union visits in good faith.

Union representatives can come into workplaces (not including dwelling houses) only if:

- they reasonably believe that members of their union work there. If so, the union representative enter the workplace for purposes related to the employment of its members, including:
  - bargaining for a collective agreement
  - matters concerning the health and safety of members
  - monitoring compliance with the operation of a collective agreement
  - monitoring compliance with this Act and other Acts dealing with employment-related rights in relation to union members
  - dealing with matters relating to existing or proposed individual employment agreements or an individual employee’s existing or proposed terms and conditions of employment (with the agreement of the employee)
  - to seek compliance with relevant requirements if there is noncompliance
- they reasonably believe that an employee covered by that union's membership rule works there. If so, the union representative may discuss union business with members, provide information about the union and union membership and try to recruit new members.

A union representative can only talk to an employee for a reasonable amount of time and the employer can’t deduct anything from the employee’s pay for the time they’re talking to the union representative. An employee’s discussion with a union representative in this situation is not a union meeting.

Process to access workplaces

A union representative wanting to come into a workplace must come at reasonable times when any employee is employed to work, and has to ask the employer first.

If an employer gets a request to come into the workplace, the employer can’t unreasonably say no and has to give the union their decision as soon as reasonably practicable, and by the next working day.

- If the employer says no, they have to give their reasons for this in writing to the union representative who asked for access as soon as reasonably practical and no more than the next working day after the date of their decision.
- If the employer says no but doesn’t give the reasons in writing, or unreasonably says no, they could get a financial penalty from the Employment Relations Authority.
- If the employer doesn’t reply within 2 working days of getting the request, then that is taken as the employer saying yes for the union representative to come in.

When an employer can say no

An employer can say no to union representatives coming into the workplace if:

- entering the premises or any part of the premises might prejudice the security or defence of
New Zealand, or the investigation or detection of offences. Employers who this applies to should get a certificate from the Attorney-General confirming it.

- there are no union members and not more than 20 employees employed in the workplace, and the employer has a certificate of exemption because they are a practising member of a religious society or order whose doctrines or beliefs say they can’t be a member of any other organisation or body.

**Conduct of union representatives in the workplace**

Union officials must act in a reasonable way in the workplace. Union representatives must:

- act reasonably, having regard to normal business operations
- comply with any existing reasonable health, safety and security procedures
- notify the employer or occupier of the reason for coming in, provide evidence of their identity and authority to represent the union. If the employer or occupier isn’t there or can’t be found (despite reasonable efforts), the union representative must leave a written notice saying who they are, the union they represent, date, time and purpose of entry. (Evidence of identity will often be required for all visitors anyway for security and health and safety requirements).

**Employment relations education leave**

Some members may be entitled to paid leave to attend approved employment relations education courses.

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