Unions

Employees can choose whether or not to join a union. Unions negotiate collective employment agreements and advocate on behalf of employees.

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.

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

The Register of unions provides industry coverage data on all registered unions.

The Companies Office 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 union, any preference:
  - for getting or keeping employment
  - relating to terms or conditions of employment
    - benefits
  - opportunities for training, promotion or transfer.

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 in respect of the meeting.

**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 says 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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