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.

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.

Since recent law changes came into effect in late 2018, a union representative does not need to obtain consent from an employer before entering a workplace if there is either:

- a collective agreement is in force that covers work done by employees at that workplace; or
- a collective agreement is being bargained for that covers work done by employees at that workplace.

Where either of the above doesn't apply then the previous rules still apply — union representatives must obtain the consent of an employer or
representative of an employer before entering any workplace.

An employer cannot unreasonably withhold consent for a request to enter, and must respond to the request by the working day after the date of the request. Consent is treated as having been obtained if an employer does not respond to a request within two working days after the date of the request.

Where consent is not required, the current conditions on entry still apply. They will only be able to enter for certain purposes, during business hours and must follow health, safety and security procedures. On arrival, a union representative will need to make a reasonable attempt to find the employer or, if they are unable to, they will need to provide a written statement with the date, time and reason for their visit.

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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