

# Collective Bargaining & Union Rights

17 September 2019

The Employment Relations Amendment Act 2018 has become law and many of the changes introduced relate to the restoration of union rights and to strengthen collective bargaining.

## Key law changes are:

- Union representatives can now access the workplace without prior employer consent, provided there are employees covered under a collective agreement or bargaining toward one.
- There is again a duty to conclude bargaining for a collective agreement.
- Employers can no longer refuse to bargain for a multi-employer collective agreement (MECA) if asked by a union to do so.
- Where a collective agreement is in place, employers are required to provide new employees with information about the role and functions of the union, how to join the union and to “encourage active choice” on whether, or not to join the union.
- The 30-day rule for new employees (including those who are not union members) but whose work is covered by a collective agreement in place, provides that new employees must be employed under terms consistent with that collective agreement.
- Employers must again allow for reasonable paid time away from normal duties for union delegates to undertake their union activities.

At the heart of every employment relationship is the statutory duty of good faith. If a union represents employees in a workplace then a collective agreement can be negotiated. Employers cannot refuse to bargain.

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