



DYHRBERG DRAYTON  
EMPLOYMENT LAW

## What's New Update: Changes to Employment Relations Act 2000 under the Epidemic Preparedness Act 2006

### Overview

An **Order in Council** made under section 15 of the Epidemic Preparedness Act 2006 has made some temporary changes to the Employment Relations Act 2000 (**the Act**) while the Epidemic Notice is in place. The Notice is for a period of three months from 25 March 2020, unless the Government notifies an earlier expiry date, or it is revoked. The Order came into force on Thursday 16 April.

### What are the changes?

The following sections of the Act have been temporarily changed:

- **Section 43:** The maximum time frames for an employer to notify employees where collective bargaining has been initiated and whose work would be covered by the intended coverage clause (10 days if 1 employer, 15 days if 2 or more employers), excludes the duration of the Epidemic Notice;
- **Section 50:** The maximum time frames for an employer to seek consolidation of notices under section 42 of the Act to initiate collective bargaining (40 days), and for unions to respond to an attempted consolidation (30 days), excludes the duration of the Epidemic Notice;
- **Section 51:** A union can notify the other intended party or parties to a collective agreement of a new ratification procedure for the collective agreement (e.g. online balloting, videoconferencing or teleconferencing) if a union has committed at the beginning of collective bargaining to a ratification procedure that is no longer practicable (e.g. in-person ratification meetings); and

- **Section 53:** Where collective agreements would have otherwise expired, but are still in force for 12 months after expiry, the 12-month period excludes any period covered by the Epidemic Notice if the 12-month period would otherwise expire while the Epidemic Notice is in force, or would expire within three months after the date on which the Notice expires or is revoked.

### What are the implications?

In practice, these temporary changes extend the statutory timeframes by the number of days during which the Epidemic Notice is in force. The changes are intended to ensure there is minimal disruption to bargaining processes, but allow more time for the key steps to occur.

This is a recognition by the Government that many businesses are currently closed, or operating different ways of working and that it is not currently practical for employers and unions to be operating in a business as usual way. It is important to note the changes have immediate effect.

If you would like more information about these changes, or their implications, please contact us on:

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