

Right to training seen as grey area



Employment

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Hundreds of thousands of workers look set to get a right to a minimum level of training and development from their employer as a by-product of the Fair Pay Bill, which is expected to complete its passage through Parliament today.

However, there are concerns that right could prove to be something of a “lowest common denominator” or else might disadvantage smaller businesses.

The bill was originally designed with the primary goal of setting a floor for pay, including overtime and penalty rates, in industries and occupations where Fair Pay Agreements are negotiated by unions or imposed by the Employment Relations Authority.

But amendments proposed by a select committee and subsequently accepted by the Government broadened the scope of the legislation to require Fair Pay Agreements to also establish “the arrangements for training and development” of covered employees, and their leave entitlements.

Auckland Business Chamber chief executive Simon Bridges said

Fair Pay Agreements could be tougher on smaller employers than on larger ones, which had more resources to cope.

Council of Trade Unions general secretary Richard Wagstaff countered that small businesses were often “let off the hook” when

it came to standards.

There were “some great small employers” but others were the biggest source of problems in terms of health and safety and labour law breaches, he said.

The Ministry of Business, Innovation and Employment (MBIE) and the Employment Relations Authority have received funding

on the basis that they are likely to approve about six Fair Pay Agreements each year.

Wagstaff said unions had been discussing the industries and occupations that they intended to prioritise for negotiations.

Bus drivers, security officers, supermarket workers, cleaners, workers in early childhood education, and the forestry industry had been “prominent in our thinking”, he said.

Wagstaff did not believe training obligations would necessarily put small firms at a disadvantage.

“Large organisations are more likely to have training resources, but you tend to have training organisations that small organisations can engage with,” he said.

Fair Pay Agreements would not set out rights and obligations that were impossible to achieve.

EY employment law expert Tori Sullivan said the other minimum terms that needed to be included in Fair Pay Agreements, such as overtime and penalty rates, were quite easy to quantify, so it should be straightforward for employers to determine whether they had met those obligations.

But training and development

obligations could be open to quite a bit of interpretation, she said.