

House of Representatives  
**Supplementary Order Paper**

**Wednesday, 22 October 2014**

**Employment Relations Amendment Bill**

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*Proposed amendments*

Andrew Little, in Committee, to move the following amendments:

*Clause 11*

In *clause 11, new section 44A(2)*, after “The employer” (page 11, line 8), insert “where they demonstrate real commercial risk as a result of the sharing of information during bargaining which outweighs the potential benefits”.

After *clause 11, new section 44A(2)* (page 11, after line 9), insert:

- “(3) A union who is party to the bargaining may apply to the Authority for a determination of whether the employer’s opting out under **subsection (2)** is reasonable. If the Authority finds an opt out is not reasonable they may order the resumption of bargaining.”
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### **Explanatory note**

This Supplementary Order Paper amends the ability to opt out of a Multi-Employer Collective Agreement (MECA). The development of MECAs is important to improving the wages and conditions of workers across an industry particularly in the education and health areas. The Bill as currently drafted introduces an opt-out provision which would seriously undermine the development of MECAs. If this ability is to remain it should at least be substantially limited. This Supplementary Order Paper would limit the occasions on which an employer could opt out of a MECA to the circumstance where they can prove real commercial risk as a result of information being shared with competitors during bargaining.

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