



Regulatory Systems (Workplace Relations) Amendment Act 2017

Public Act 2017 No 13
Date of assent 30 March 2017
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Regulatory Systems (Workplace Relations) Amendment Act 2017.

2 Commencement

- (1) Part 2 of this Act comes into force on 1 June 2017.
- (2) The rest of this Act comes into force on the day after the date of Royal assent.

Part 1

Employment Relations Act 2000

3 Principal Act

This Part amends the Employment Relations Act 2000 (the **principal Act**).

4 Section 67B amended (Effect of trial provision under section 67A)

In section 67B(3), replace “section 103(1)(b) to (h)” with “section 103(1)(b) to (j)”.

5 Section 110A (Adverse conduct for prohibited health and safety reason)

In section 110A(5), replace “section 103(1)(h)(i)” with “section 103(1)(j)(i)”.

6 Section 142W amended (Involvement in breaches)

Replace section 142W(2) and (3) with:

- (2) However, if the breach is a breach by an entity such as a company, partnership, limited partnership, or sole trader, a person who occupies a position in the entity may be treated as a person involved in the breach only if that person is an officer of the entity.
- (3) For the purposes of subsection (2), the following persons are to be treated as officers of an entity:
 - (a) a person occupying the position of a director of a company if the entity is a company:
 - (b) a partner if the entity is a partnership:
 - (c) a general partner if the entity is a limited partnership:
 - (d) a person occupying a position comparable with that of a director of a company if the entity is not a company, partnership, or limited partnership:
 - (e) any other person occupying a position in the entity if the person is in a position to exercise significant influence over the management or administration of the entity.

Part 2

Parental Leave and Employment Protection Act 1987

7 Principal Act

This Part amends the Parental Leave and Employment Protection Act 1987 (the **principal Act**).

8 Section 71CE amended (Keeping-in-touch days)

In section 71CE(3)(b), before “parental leave”, insert “paid”.

9 Section 71DA amended (Entitlement to preterm baby payment)

After section 71DA(5), insert:

- (5A) A person may return to work as an employee or a self-employed person after becoming entitled to a preterm baby payment, in which case—
- (a) either,—
 - (i) if the person receives a preterm baby payment, the preterm baby payment period ends on the date on which the person returns to work; or
 - (ii) if the person does not receive a preterm baby payment, the person’s parental leave payment period is suspended on the date on which the person returns to work; and
 - (b) the person’s parental leave payment period resumes on the date on which the person resumes parental leave (which must be no later than the original expected date of delivery, had the child not been born prematurely).

10 Section 71K amended (Start of parental leave payment)

Replace section 71K(2) with:

- (2) Despite subsection (1),—
- (a) an employee who takes a period of paid leave at the start of his or her parental leave period may elect to start his or her parental leave payment period on the day after the date on which that period of paid leave ends;
 - (b) if a person becomes entitled to a preterm baby payment under section 71DA(1) and that person’s parental leave payment period has not begun, subsection (3) applies instead of subsection (1).
- (3) If this subsection applies, the period in relation to which a parental leave payment is payable to the person in respect of the child does not begin until the earlier of—
- (a) the date the person commences parental leave; and
 - (b) the original expected date of delivery, had the child not been born prematurely.

11 Section 71L amended (End of parental leave payment)

In section 71L(2), replace “Subsections (1)(b) and (c) do not apply, and parental leave payments continue to be payable until the date specified in subsection (1)(a)” with “Subsection (1)(c) does not apply, and parental leave payments continue to be payable until the earlier of the dates specified in subsection (1)(a) and (b)”.

12 Section 71N amended (Annual adjustment of parental leave payment rates)

- (1) In section 71N(1), replace “must be adjusted as at 1 July each year by any percentage movement upward in average ordinary time weekly earnings using the method specified in subsection (2)” with “and persons who are eligible for a parental leave payment as an employee and as a self-employed person under section 71M(1B) are adjusted, by this section, by increasing the rate by the same percentage as any percentage movement upward in average ordinary time weekly earnings as calculated under subsection (2)”.
- (2) In section 71N(2), replace “must be made” with “is calculated”.
- (3) In section 71N(2)(a), replace “on which the adjustment is based must be” with “is”.
- (4) In section 71N(2)(b)(ii), replace “must be based on” with “is”.
- (5) In section 71N(4), replace “must be set as at 1 July each year as” with “is adjusted, by this section, as at 1 July each year, as”.
- (6) Replace section 71N(5) with:
 - (5) The Minister must, as soon as practicable after 1 July each year,—
 - (a) publish the adjusted rates for employees and self-employed persons on an Internet site maintained by or on behalf of the department; and
 - (b) advise the Chief Parliamentary Counsel of those rates.

Legislative history

12 October 2016	Introduction (Bill 187–1)
18 October 2016	First reading and referral to Transport and Industrial Relations Committee
7 March 2017	Reported from Transport and Industrial Relations Committee (Bill 187–2)
16 March 2017	Second reading
21 March 2017	Committee of the whole House
23 March 2017	Third reading
30 March 2017	Royal assent

This Act is administered by the Ministry of Business, Innovation, and Employment.