

List of vulnerable workers expanded

The complications brought about by Part 6A of the Employment Relations Act 2000 (ERA) every time a cleaning contract changes hands will soon extend to security contracts.

As a reminder, employees who provide the following services enjoy special protections under Part 6A in restructuring situations:

- cleaning services, food catering services, caretaking, or laundry services for the education sector (being the public and private pre-school, primary, secondary, and tertiary educational institutions):
- cleaning services, food catering services, orderly services, or laundry services for the health sector (being any hospital, as defined by the Hospitals Act 1957 and any hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992)
- cleaning services, food catering services, orderly services, or laundry services in the age-related residential care sector:
- cleaning services or food catering services in the public service (as defined in section 10 of the Public Service Act 2020) or local government sector:
- cleaning services or food catering services in relation to any airport facility or for the aviation sector:
- cleaning services or food catering services in relation to any other workplace.

The list, which is set out in Schedule 1A of the Employment Relations Act 2000, has now been amended to include certain security officers. The amendment is by way of the Employment Relations (Extending Part 6A Protections to Security Officers) Order 2021 and now covers services in the security sector, including any 1 or more of the following in any workplace:

- guarding real or personal property belonging to another person:
- monitoring in real time, from any part of a premises, images from a camera or similar device on the same premises:
- services provided by a crowd controller employee (as defined in section 19 of the Private Security Personnel and Private Investigators Act 2010):
- escort duty and courtroom custodial duty as those terms are defined in section 3 of the Corrections Act 2004:
- mobile security patrols:
- collecting cash from any premises.

Members may want to revisit any contracts they have for the provision of these services.

The change comes into effect on 1 July 2021, with transitional provisions that provide that the protections in [Part 6A](#) of the Act will not apply to a restructuring in the following situations even if the restructuring takes effect after the commencement date:

- if the restructuring involves a contracting in (as defined in [section 69C](#) of the Act) that takes effect as a result of the termination or expiry of an agreement before 23 August 2021; or
- if the restructuring involves a contracting out or subsequent contracting (as defined in [section 69C](#) of the Act) that takes effect as a result of an agreement that was entered before the commencement date; or

- if the restructuring involves a sale or transfer of a business (or part of a business) that takes effect as a result of an agreement that was entered before the commencement date.

New Early Resolution Service launched

Employment New Zealand has announced a new initiative, called [Early Resolution](#), to help resolve workplace issues early, quickly and informally.

What is Early Resolution

The Early Resolution Service within the Ministry of Business, Innovation and Employment (MBIE) is a free phone- based service for employees and employers providing assistance to resolve a workplace issue early, quickly, and informally, before it becomes too serious or needs a more formal process. The service can also assist with current [COVID-19 workplace issues](#).

Early Resolution assistance might involve:

- speaking with you and the other party to understand what has happened and what is important for each
- making sure everyone is fully informed with relevant information
- arranging a discussion to see if a resolution could be reached
- helping to negotiate an agreed outcome
- referring you to a more appropriate agency if that would help.

What is suitable for Early Resolution

- Working arrangements, hours, pay or leave have changed without consultation. Health and safety concerns.
- Employment has ended or may be ending through restructuring, redundancy or dismissal.
- Unfair treatment or bullying.
- Concerns about an employee's performance.
- You feel an issue could be resolved promptly with a little help from an independent resolution facilitator.

Not suitable for Early Resolution

- The same issue has already been dealt with or is currently being dealt with by a mediator or labour inspector.
- Reporting migrant exploitation.
- After a personal grievance has been raised or gone through mediation.
- After a case has been through the Employment Relations Authority or Employment Court.
- Reporting a wage subsidy issue.

These types of issues can still be pursued through [existing channels](#).

Where to start

The website has an [online form](#) for reporting issues. The Early Resolution Team promises to be in contact within three working days.

This article is brought to you by AdviceWise People, who provide WGANZ's free employment helpline 0800 692 384. If you have any questions or would like to discuss the bulletin above, please call Philip or Anthony.