

INDUSTRIAL RELATIONS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends two sections of the Industrial Relations Act 1973.

Clause 2 substitutes a new definition of the term strike. Paragraph (e) of the new definition re-introduces a reference to the action of workers in reducing their normal output or their normal rate of work. This reference was formerly contained in section 189 (1) (e) of the Industrial Conciliation and Arbitration Act 1954.

The present paragraphs (e) to (g) specifying various intents are omitted.

Clause 3 amends section 128 (which confers power to suspend non-striking workers where work is not available during a strike). A new subsection (1) is substituted.

The existing subsection applies only where the employer is unable to provide work as a result of a strike. Under the new subsection the employer will be able to suspend any workers who are in his employment and not on strike where, as a result of the strike, he is unable to provide for those workers work that is normally performed by them.

The existing subsection requires the employer to give at least 1 week's notice before the power to suspend is exercised. Under the new subsection no minimum period of notice is specified.

Hon. Mr Gordon

INDUSTRIAL RELATIONS AMENDMENT

ANALYSIS

Title	
1. Short Title	3. Suspension of non-striking workers where work not available during strike
2. Definition of strike	

A BILL INTITULED

An Act to amend the Industrial Relations Act 1973

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short Title**—This Act may be cited as the Industrial Relations Amendment Act 1976, and shall be read together with and deemed part of the Industrial Relations Act 1973* (hereinafter referred to as the principal Act).

10 2. **Definition of strike**—The principal Act is hereby amended by repealing section 123, and substituting the following section:

15 “123. (1) In this Act the term ‘strike’ means the act of any number of workers who are or have been in the employment of the same employer or of different employers—

*1973, No. 19
Amendments: 1974, No. 89; 1975, No. 80

No. 43-1

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- “(a) In discontinuing that employment, whether wholly or partially, or in reducing the normal performance of it; or
- “(b) In breaking their contracts of service; or
- “(c) In refusing or failing after any such discontinuance to resume or return to their employment; or 5
- “(d) In refusing or failing to accept engagement for any work in which they are usually employed; or
- “(e) In reducing their normal output or their normal rate of work— 10

the said act being due to any combination, agreement, common understanding, or concerted action, whether express or implied, made or entered into by any workers; but does not include a stopwork meeting authorised by an employer.

“(2) In this Act the expression ‘to strike’ means to become a party to a strike.” 15

3. Suspension of non-striking workers where work not available during strike—Section 128 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection: 20

“(1) Where there is a strike, and as a result of the strike any employer is unable to provide for any workers who are in his employment and not on strike work that is normally performed by them, the employer may suspend their employment until the strike is ended.” 25