

Hon W. F. Birch

## INDUSTRIAL RELATIONS AMENDMENT

### ANALYSIS

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### A BILL INTITULED

**An Act to amend the Industrial Relations Act 1973 to enable site or establishment bargaining for wages and conditions and ballot provisions for all workers employed on any site.**

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

**1. Short Title and commencement**—(1) This Act may be cited as the Industrial Relations Amendment Act 1986, and shall be read together with and deemed part of the Industrial Relations Act 1973.

**2. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “District”, the following definition:

“ ‘Establishment’ means a single workplace or site:”

(2) Section 2 (1) of the principal Act is hereby further amended by adding the following definition:

“ ‘Workplace’ means a site or industrial entity where a number of workers are employed.”

**3. Site negotiating unit**—The principal Act is hereby amended by inserting, after section 89, the following section:

“89A. (1) Notwithstanding section 89, workers on any workplace or establishment, following a secret ballot, may

negotiate a single agreement to cover all workers employed on that site.

“(2) To initiate a ballot for the purposes of **subsection (1)** of this section, at least 10 percent of the workforce entitled to vote under **subsection (5)** of this section will be required to petition the Department of Labour. 5

“(3) The Department, having confirmed the qualification required of the petitioners under **subsection (5)** of this section will advise the employer and proceed to arrange a secret ballot forthwith. 10

“(4) Any secret ballot conducted for the purposes of this section shall be supervised by the Department of Labour and conducted in the prescribed manner.

“(5) Those persons entitled to vote shall be every worker on the employer’s current payroll under any award or collective agreement or document recognised by the Arbitration Court as at the last paydate of each worker before the decision was taken to hold the ballot. 15

“(6) The ballot papers shall be distributed by post to the last known address of every worker and shall be returnable either by post, or into any ballot box available at any meeting called for the purposes of discussing the proposal prior to the designated time for the closure of the ballot. 20

“(7) A majority of the votes cast shall decide the result, which will then become binding on all parties who were eligible to vote and to workers subsequently hired. 25

“(8) If a ballot to form a workplace or establishment bargaining unit is carried, all workers will be entitled to a further ballot to elect a bargaining agent for a term of 3 years to negotiate on behalf of all workers with the employer. 30

“(9) The same procedure as prescribed by **subsections (4) to (7)** will apply to any ballot conducted for the purposes of **subsection (8)**.

“(10) Once a site agreement has been negotiated and agreed to, the provisions of section 89 of the Act by which individual workers are bound to awards shall cease to apply but shall not in any other way affect the right to membership of workers to their industrial union.” 35