

Update

Mazengarb's Employment Law

Service 270 — June 2022

Commentary

Employment Relations Act 2000

Part 2: Preliminary provisions

- The Report of the *Tripartite Working Group on Better Protections for Contractors* was released in April 2022, recommending (among other things) that the legislative definition of “employee” should be revised to include a strong sense of contradistinction to someone who is genuinely in business on their own account and that court decisions on employment status should extend to other workers doing similar work for the same entity, even if the decision relates only to one of those workers (see [ERA6.5.6]);
- Clause 21 of the Fair Pay Agreements Bill prohibits an employer from engaging a person as an independent contractor instead of as an employee with the intention of preventing the person from being covered by a fair pay agreement (see [ERA6.5.7]);
- Children aged between six and 16 plus were held to have been employees when working under strict control, including psychological and physical discipline, for a variety of commercial entities operated by the Gloriavale “Christian Community” (*Courage v Attorney-General* [2022] NZEmpC 77) (see [ERA6.10.6]).

Part 9A: Additional provisions relation to enforcement of employment standards

- In April 2022, the Ministry of Business, Innovation and Employment released a consultation paper on modern slavery and exploitation (see [P9AIntro.5]).

