

ATTACK ON YOUR RIGHT TO APPEAL AGAINST UNFAIR DISMISSAL

There are now serious concerns that the Government plans to further reduce an employee's right to appeal against unfair dismissal coming on top of the wholly unfair and unnecessary 90-day fire at will law which removes any right of appeal for workers in small and medium enterprises.

Now there is a suggestion that all workers in enterprises of up to 50 should have no rights of appeal against dismissal in the first 3 months.

The Government said that this provision would increase employment – but there is no evidence of this.

And it would reduce appeal rights for workers in 99% of enterprises in New Zealand covering. It would add another 269,000 workers to make 875,000 workers who work in enterprises where these reduced rights would apply. And around 700,000 workers start a new job each year.

Government is also suggesting that the rights of all workers to be treated fairly when an issue arises about their performance be reduced. Currently when an employer has a concern they need to tell you about it, explain what the issue is, allow you to explain and have that explanation considered, and allow you to be represented if they intend to take action against you. These are the basic rights of natural justice and should not be changed.

We agree that workers should be able to be dismissed – provided there is a clearly justified reason – and a fair process. But the Government wants to reduce your rights of appeal against unfair treatment or dismissal.

Currently the system works to resolve many cases at the workplace level. There are only about 2,500 cases submitted to Employment Relations Authority every year. Of these only about 1,000 make it as far as a first-stage investigative meeting. Given about 800,000 workers change jobs every year for one reason or another and there are 2 million workers in the country this is not bad. And compensation to workers averaged \$2800 despite in many cases there had been a finding of unjustified dismissal.

Security of employment and protection from unfairness are the fundamental rights of every worker. The current system works and offers those protections in a low cost process. Everyone should be concerned at any attempt to reduce these rights and take the opportunity of saying so when the discussion document is released.



CTU
NEW ZEALAND COUNCIL OF TRADE UNIONS
Te Kauae Kaimahi