

30 November 2023

Hon Brooke van Velden  
Minister for Workplace Relations and Safety  
Parliament Buildings  
Wellington 6160  
New Zealand

Also by email: [Brooke.Vanvelden@parliament.govt.nz](mailto:Brooke.Vanvelden@parliament.govt.nz)

Tēnā koe Minister,

This letter is to record and follow up on our meeting of 29 November 2023 where the following was discussed:

### **Minister / CTU engagement**

We appreciated your invitation to meet within a couple of days of you becoming Minister. We requested that a regular meeting be scheduled between yourself, and our organisation. This has been standard practice with successive Ministers who met with us monthly.

We look forward to confirmation from your office that this can be arranged.

### **Fair Pay Agreements and 90-day trial extension**

Thank you for the invitation to explain to you our perspective on the development and implementation of FPAs. We trust you found it informative. As discussed, we understand that MBIE officials have developed alternative policies that can be enacted which would address the issues FPAs are designed to remedy. It is important that these alternative policies are sent to us to consider. We trust that this can be arranged expeditiously.

We also appreciated the opportunity to convey to you the folly of the 90-day trial extension. It was our impression that you wanted to hear from us on both 90-day trials and FPAs as you weighed up your policy commitments and the timing of Government policy announcements.

We were unaware that, while we were having this conversation, the Government had already made up its mind regarding the timing and was simultaneously

announcing its 100-day plan. This is a 100-day plan that contains a commitment to immediately abolish FPAs and extend 90-day trials.

This 100-day plan also sets out additional measures to actively undermine workers interests. In particular, the Government's decision to stop both NZ Income Insurance and Industry Transformation Plans, which will only serve to diminish our ability to transition securely into a highly productive, high skill, high wage, and low emissions economy.

### **Contractor law**

Finally, we sought your views and assurances regarding the Government's intention, policy and announcements concerning contractor law. The ACT/National coalition agreement contains a policy that would remove workers' legal right to seek a determination of their employment status. This would mean that anyone engaged by an employer could be treated as a contractor, even if the real nature of their work is as an employee. It would also mean that this worker would have no recourse to challenge this misclassification.

As we said to you, and to reiterate, this policy has potentially devastating consequences, particularly for vulnerable workers. It is also completely at odds with fair and reasonable employment law and natural justice. Your urgent response to our request for clarity of your intentions regarding this policy remains.

Thank you again for the opportunity to meet. I look forward to your response to the issues raised in this letter and to our next meeting.

Ngā mihi nui,

A handwritten signature in black ink, appearing to read 'Wagstaff', written in a cursive style.

Richard Wagstaff  
NZCTU President