

## **Submission template - Screen Industry Workers' Bill 2020**

Submissions on the Bill can be made through the parliament website or in writing.  
The website is:

[https://www.parliament.nz/en/ECommitteeSubmission/52SCEW\\_SCF\\_BILL\\_94845/  
CreateSubmission](https://www.parliament.nz/en/ECommitteeSubmission/52SCEW_SCF_BILL_94845/CreateSubmission)

If in writing two hard copies are required as well as a covering letter with your personal details (this will keep your personal details private.) No postage stamp is required for to send letters to parliament.

### **Cover letter example**

To the Clerk of the Education and Workforce Select Committee

Select Committee Services

Parliament buildings

Wellington 6160

DATE.....

Dear Clerk of the Committee,

### **Re: Submission on the Screen Industry Workers Bill**

This submission is made on behalf of .....(Name and name of organisation if relevant).....

OR: This is my personal submission.

I/We wish to appear before the select committee to speak to this submission.

I can be contacted by telephone at ..... or by email at.....

Yours sincerely,

NAME

ADDRESS including postal code

## **Submission on the Screen Industry Workers' Bill**

This is the submission of ..... ( Or, this is my personal submission.)

I/we support the intention of the Screen Industry Workers Bill because we believe the re-introduction of collective bargaining for people working in the screen sector makes for fairer working conditions while ensuring stability for the industry.

### **Background**

(A bit about yourself or your organisation – to explain your experience of the sector.)

### **Specific comments**

#### Individual contracts (Part 2 of the bill, clauses 13 to 30)

I/We support the legislation ensuring that individual contracts having mandatory terms – including how to deal with complaints of bullying, discrimination or harassment in the workplace. I/We support it being mandatory for individual contracts to have a clear timeframe for the contract (the term), for the requirement for notice periods and a clause to ensure compensation if the contract is terminated by engager earlier than the stated notice period. I/we support there being a prohibition on retaliatory termination of individual contracts.

#### Collective bargaining for sub-industry contracts (Part 3 of the bill, clauses 21 – 49)

I/we support collective bargaining for sub-industry contracts covering occupational groups. I/we support the provisions in the bill that ensure that collective bargaining must be conducted in good faith by all the parties involved. I/we support collective bargaining at this level to set minimum standards for entire occupations across the sector, setting the base rates for pay, hours of work, breaks, work availability, recognition of public holidays and termination of work. I/we support these collective contracts also having terms that outline a process for raising and responding to bullying, discrimination or harassment in the workplace and services available for resolution of workplace relationship problems.

#### Collective bargaining for enterprise or project-based contracts (clauses 50 – 55)

I/We support collective bargaining for specific projects, enterprises and productions for conditions that are better than the base-lines set by the sub-industry or occupation-based collective contracts.

### **Recommendations**

I/ We recommend strengthening the legislation by:

- 1) Ensuring that screen industry workers can access justice in the same way that employees can by outlining the processes that screen industry workers on

individual contracts can use to raise an issue of bullying, harassment or discrimination complaints or disputes about potential retaliatory termination of an individual contract. Under the very specific processes outlined in the Employment Relations Act (which are also written into most collective agreements) employees can access personal grievance procedures including mediation through the Ministry of Business Innovation and Employment employment services and may take cases to the Employment Relations Authority for dispute resolution or a decision or further to the Employment Court for a decision or to appeal an Authority decision.

- 2) Similarly there are no processes or mechanisms specified in the legislation to deal with disputes around the interpretation of clauses in collective employment contracts at both enterprise or sub-industry or occupation-based level. Clause 32 of the bill does say that one of the mandatory clauses in a collective contract is *(h) a plain language explanation of the services available for the resolution of any workplace relationship problems* however it does not go in to detail about what that might be.
- 3) Enterprise based bargaining arrangements can and should be strengthened by applying the same or similar requirements of the negotiating parties that are required for sub-industry or occupational collective contract bargaining. Specifically, there is no compulsion on the employer – at an enterprise or project level – to agree to negotiate; there is no requirement for them to act in good faith and there is no requirement for them to conclude bargaining. Further, the mechanisms of mediation, facilitation and arbitration by the Employment Relations Authority do not apply to enterprise-based bargaining. Screen industry workers will not have the right to take industrial action during any form of bargaining and with no requirement to negotiate under the legislation engaging enterprises and projects may try to avoid negotiating with worker organisations.

### Summary

On the whole I/we support this legislation and look forward to fairer workplace relationships and working conditions for contractors in the screen sector.

I wish to give an oral presentation to support my submission.

Yours sincerely,

NAME:.....(this will be published with the submission on the parliament website unless you request otherwise.)