

Open Letter regarding the impacts of the Employment Relations Amendment Bill 2018 on early childhood services

We are a group of concerned early childhood education employers and managers based in the Canterbury Region.

Recently it has come to our attention the proposed changes to the employment legislation contained in the Employment Relations Amendment Bill 2018 will dramatically impact on the viability and quality of our services.

Our services care for and educate this country's youngest preschool citizens. We support families, parents and communities, and we are employers. We care, and early childhood education is an important contributor to New Zealand society – both economically and socially.

As a group of employers and service providers, we have one key question that we have asked while unpacking what some of these changes will mean for us as employers and that is: will the change(s) proposed in this Bill make an overall positive improvement to the existing employment relations and support economic stability and growth?

We think NOT!!! And, here's why.

Rest and Meal Breaks

In relation to the restoration of the set rest and meal break times under this Bill we stand to compromise on the service we deliver for our children. As employers we currently act in good faith, particularly in regards to providing our employees with mutually acceptable breaks that directly benefit the learning, education and care that is being delivered within our centres. If we were to have to abide by the proposed changes the consistency of care would be jeopardized by teachers consistently coming and going from the learning environment.

Within our services we have staff who are working Mothers with school aged children that opt to work through their "lunch break" so they can leave early to ensure their children are picked up from school. This is only one example of how this would not work for us.

Within our Sector we have to replace anyone who is working in ratio with children, therefore taking breaks at dictated times does not work for our core purpose which is providing Education and Care for children aged 0-5yrs.

For these reasons and more we feel the education sector should be exempt from this proposed change under the meal break provisions.

Reinstatement for Unfair Dismissal

The proposal in the Employment Relations Amendment Bill 2018 that reinstatement will be the primary remedy for an unfair dismissal causes us great concern.

We are good employers acting in good faith who genuinely care for and look after our employees. Reinstatement of a person who has been dismissed could cause animosity within the culture of the workplace and where teamwork is the essence of what we deliver we cannot afford for this to be jeopardised.

Clashes with other legislation

Unions would be given rights under the Bill to access workplaces without consent, and this would be a direct clash with the requirements under other legislation for early childhood education services, such as the Vulnerable Children Act and Education Act.

Collective bargaining

The Bill intends that workplaces cannot refuse multi-employer collective bargaining. For staff, the Bill would require the disclosure of information to unions without the express permission of the staff members concerned. This is of concern to us.

Trial periods

The Bill would limit 90-day trial periods to employers with fewer than 20 employees. The “less-than 20-staff rule” will impact on many smaller and medium-sized employers like us - which depend on degrees of flexibility. Like others, we would want to see trial period provisions set at 75 employees, not 20.

Like others, we are also raising these concerns directly with MPs and those on Select Committee currently considering submissions on the Bill.

We ask - please consider the impacts on early childhood education services, and please consider making amendments to the Bill so that all New Zealand workplaces can function well, without more layers of expensive bureaucracy that don't best fit education services. Not all businesses are one-size-fits-all.

Yours faithfully

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