



## COVERSHEET

<b>Minister</b>	Hon Brooke van Velden	<b>Portfolio</b>	Minister for Workplace Relations and Safety
<b>Title of Cabinet paper</b>	Employment Relations Amendment Bill 2025: Approval for Introduction	<b>Date to be published</b>	22 July 2025

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
June 2025	Employment Relations Amendment Bill 2025: Approval for Introduction	Office of the Minister for Workplace Relations and Safety
9 June 2025	Employment Relations Amendment Bill 2025: Approval for Introduction CAB-25-MIN-0189 Minute	Cabinet Office

### Information redacted

### YES / NO

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Some information has been withheld for the reasons of international relations and legal professional privilege.



# Cabinet

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Employment Relations Amendment Bill: Approval for Introduction

**Portfolio**                      **Workplace Relations and Safety**

On 9 June 2025, following reference from the Cabinet Legislation Committee, Cabinet:

- 1        **noted** that the Employment Relations Amendment Bill (the Bill) holds a category three priority on the 2025 Legislation Programme (a priority to be passed by the end of 2025);
- 2        **noted** that the Bill will:
  - 2.1      establish an exclusion from the test of employment status in the Employment Relations Act 2000 via a gateway test [ECO-24-MIN-0179];
  - 2.2      implement a suite of changes to strengthen the Employment Relations Authority's consideration of the employee's behaviour in the personal grievance process, and in determining remedies [ECO-24-MIN-0268];
  - 2.3      introduce an income threshold for unjustified dismissal personal grievances, allowing parties to contract back in [ECO-24-MIN-0265]; and
  - 2.4      remove the '30-day rule' and associated compliance and information requirements, reverting to the settings in place between 2015 to 2019 [ECO-25-MIN-0046];
- 3        **noted** that the Minister for Workplace Relations and Safety used her delegated decision-making authority [ECO-24-MIN-0179; ECO-24-MIN-0265; ECO-24-MIN-0268] to:
  - 3.1      clarify the level of permissible vetting that would not result in a breach of the subcontracting criterion in the gateway test;
  - 3.2      confirm, in line with Cabinet's in-principle decision, that the income threshold will also apply to unjustified disadvantage when the claim relates to a dismissal, and that the same restriction will apply to unjustified disadvantage claims for 90 day trial periods;
  - 3.3      clarify, in line with Cabinet's in-principle decision for the income threshold 12-month transitional provision, that an employee is not on an 'existing employment agreement' if they move to a new employer or shift to a new role within the same employer; and

3.4 decide an employee will be ineligible for the 'loss of any benefit' remedy when there is any level of contributory behaviour, consistent with Cabinet's decision on the threshold of ineligibility to remedies for hurt and humiliation and reinstatement;

4 Constitutional conventions

5 **approved** the Employment Relations Amendment Bill [PCO 24544/7.0] for introduction;

6 **agreed** that the Bill be introduced in the week of 9 June 2025;

7 **agreed** that the Government propose that the Bill be:

7.1 referred to the Education and Workforce Committee for consideration for four months;

7.2 enacted by December 2025.

Rachel Hayward  
Secretary of the Cabinet

*Secretary's note: Paragraph 4 was added following agreement between the Minister for Workplace Relations and Safety and the Prime Minister's office.*