

**Employment Relations (Extended Time for Personal  
Grievance for Sexual Harassment) Amendment Bill**

Member's Bill

As reported from the committee of the whole House



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**Key to symbols used in reprinted bill**

**As reported from the committee of the whole House**

text inserted

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*Marja Lubeck*

## **Employment Relations (Extended Time for Personal Grievance for Sexual Harassment) Amendment Bill**

Member's Bill

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### **New Part 4 inserted into Schedule 1AA**

**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Employment Relations (Extended Time for Personal Grievance for Sexual Harassment) Amendment Act **2021**.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

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### **3 Principal Act**

This Act amends the Employment Relations Act 2000 (the **principal Act**).

### **4 Section 54 amended (Form and content of collective agreement)**

Replace section 54(3)(a)(iii) with:

- (iii) a plain language explanation of the services available for the resolution of employment relationship problems, including a reference to—
  - (A) the 12-month period within which a personal grievance must be raised under section 114(1) if the grievance is in respect of sexual harassment under section 103(1)(d); and
  - (B) the 90-day period within which any other personal grievance must be raised under section 114(1); and

### **5 Section 65 amended (Form and content of individual employment agreement)**

Replace section 65(2)(a)(vi) with:

- (vi) a plain language explanation of the services available for the resolution of employment relationship problems, including a reference to—
  - (A) the 12-month period within which a personal grievance must be raised under section 114(1) if the grievance is in respect of sexual harassment under section 103(1)(d); and
  - (B) the 90-day period within which any other personal grievance must be raised under section 114(1); and

### **6 Section 114 amended (Raising personal grievance)**

- (1) Replace section 114(1) with:
- (1) An employee who wishes to raise a personal grievance must, subject to subsections (3) and (4), raise the grievance with their employer within the applicable employee notification period unless the employer consents to the personal grievance being raised after the expiration of that period.
- (2) In section 114(3), replace “90-day period” with “employee notification period”.
- (3) After section 114(6), insert:
- (7) In this section, **employee notification period** means—
  - (a) in respect of a personal grievance under section 103(1)(d), the period of 12 months beginning with the date on which the action alleged to amount to the personal grievance occurred or came to the notice of the employee, whichever is later:
  - (b) in respect of any other personal grievance, the period of 90 days beginning with the date on which the action alleged to amount to a personal

grievance occurred or came to the notice of the employee, whichever is later.

**6A Clause 115 amended (Further provision regarding exceptional circumstances under section 114)**

In clause 115(a), replace “period specified in section 114(1)” with “applicable employee notification period under section 114”. 5

**7 Section 115A amended (Notifying controlling third party of personal grievance)**

- (1) In section 115A(1)(a)(ii), replace “90-day” with “applicable”.
- (2) In section 115A(2), delete “90-day”. 10
- (3) In section 115A(3), delete “90-day”.
- (4) In section 115A(6), repeal the definitions of **90-day employee notification period** and **relevant 90-day notification period**.
- (5) In section 115A(6), insert in their appropriate alphabetical order:  
**employee notification period** has the same meaning as in section 114(7) 15  
**relevant notification period** means the applicable employee notification period or the 90-day employer notification period.

**8 Schedule 1AA amended**

In **Schedule 1AA**,—

- (a) insert the Part set out in the Schedule of this Act as the last Part; and 20
- (b) make all necessary consequential amendments.

**Schedule**  
**New Part 4 inserted into Schedule 1AA**

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**Part 4**

**Provisions relating to Employment Relations (Extended Time for  
Personal Grievance for Sexual Harassment) Amendment Act 2021** 5

**17** ~~When extended time period for personal grievance for sexual harassment  
under section 103(1)(d) applies~~

(1) ~~This clause applies for the purposes of determining the period within which an  
employee who wishes to raise a personal grievance under section 103(1)(d)  
must—~~ 10

(a) ~~raise the personal grievance; and~~

(b) ~~if applicable, notify a controlling third party that the employee considers  
that the actions of the controlling third party caused or contributed to the  
personal grievance.~~ 15

(1A) ~~Sections 114 to 115A (as amended by the **2021** amendment Act) apply in  
respect of a personal grievance if the action alleged to amount to the personal  
grievance occurred or came to the notice of the employee on or after the date of  
commencement of the **2021** amendment Act.~~

(1B) ~~Sections 114 to 115A (as they read immediately before commencement of the  
**2021** amendment Act) continue to apply in respect of a personal grievance if  
the action alleged to amount to the personal grievance occurred and came to  
the notice of the employee before commencement of the **2021** amendment  
Act.~~ 20

(2) ~~In this clause, the **2021** amendment Act means the Employment Relations  
(Extended Time for Personal Grievance for Sexual Harassment) Amendment  
Act **2021**.~~ 25

**Part 5**

**Provisions relating to Employment Relations (Extended Time for  
Personal Grievance for Sexual Harassment) Amendment Act 2021** 30

**19** **Interpretation**

~~In this Part,—~~

~~**2021** amendment Act means the Employment Relations (Extended Time for  
Personal Grievance for Sexual Harassment) Amendment Act **2021**~~

~~**commencement** means commencement of the **2021** amendment Act.~~ 35



- 20** **Application of requirement for employment agreement to explain new personal-grievance period for sexual harassment**
- Collective agreements*
- (1) Section 54 (as amended by **section 4** of the **2021** amendment Act) applies to a collective agreement concluded on or after the date of commencement whether bargaining for the agreement was initiated before, on, or after the date of commencement. 5
- (2) Section 54 (as it read immediately before commencement) continues to apply to a collective agreement concluded before commencement.
- Individual employment agreements* 10
- (3) Section 65 (as amended by **section 5** of the **2021** amendment Act) applies to an individual employment agreement entered into on or after the date of commencement whether bargaining for the agreement was initiated before, on, or after the date of commencement.
- (4) Section 65 (as it read immediately before commencement) continues to apply to an individual employment agreement entered into before commencement. 15
- 21** **Application of new personal-grievance period for sexual harassment**
- (1) This clause applies for the purposes of determining the period within which an employee who wishes to raise a personal grievance under section 103(1)(d) must— 20
- (a) raise the personal grievance; and
- (b) if applicable, notify a controlling third party that the employee considers that the actions of the controlling third party caused or contributed to the personal grievance.
- (2) Sections 114 to 115A (as amended by the **2021** amendment Act) apply in respect of a personal grievance if the action alleged to amount to the personal grievance occurred or came to the notice of the employee on or after the date of commencement. 25
- (3) Sections 114 to 115A (as they read immediately before commencement) continue to apply in respect of a personal grievance if the action alleged to amount to the personal grievance occurred and came to the notice of the employee before commencement. 30

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**Legislative history**

21 October 2021	Introduction (Bill 87–1)
18 May 2022	First reading and referral to Education and Workforce Committee
1 November 2022	Reported from Education and Workforce Committee (Bill 87–2)
9 November 2022	Second reading
7 December 2022	Committee of the whole House
5 April 2023	Recommittal to committee of the whole House, committee of the whole House (Bill 87–3)