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**EMPLOYMENT RELATIONS**  
**Demonstrate knowledge of employment**  
**law**

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<b>level:</b>	4
<b>credit:</b>	6
<b>final date for comment:</b>	February 2007
<b>expiry date:</b>	December 2008
<b>sub-field:</b>	Management
<b>replacement information:</b>	This unit standard replaced unit standard 11634.
<b>purpose:</b>	<p>This unit standard is for people involved in carrying out employment relations roles and activities consistent with employment law. These people may include union delegates, union officials, human resources staff, employees, and employers (including supervisors, managers, and business owners).</p> <p>People credited with this unit standard are able to: describe the legal framework that governs the employment relationship; describe and distinguish between content and form of collective and individual employment agreements; and describe the resolution of employment relationship problems and the associated institutions and remedies available to support these processes.</p>
<b>entry information:</b>	Open.
<b>accreditation option:</b>	Evaluation of documentation and visit by NZQA and industry.
<b>moderation option:</b>	A centrally established and directed national moderation system has been set up by NZQA.
<b>special notes:</b>	<p>1 Legislation Legislation relevant to this unit standard must include the Employment Relations Act 2000 (ERA), and a minimum of four from the following:</p> <ul style="list-style-type: none"><li>• <i>Holidays and Leave</i> - Holidays Act 1981, Parental Leave and Employment Protection Act 1987;</li><li>• <i>Health and Safety</i> - Health and Safety in Employment Act 1992; Injury Prevention, Rehabilitation, and Compensation Act 2001;</li></ul>

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- *Wages* - Minimum Wage Act 1983, Wages Protection Act 1983, Equal Pay Act 1972, Higher Salaries Commission Act 1977;
- *Other* - Human Rights Act 1993, Privacy Act 1993, State Sector Act 1988, State Owned Enterprises Act 1986, Industry Training Act 1992 or any other act named in Schedule 5 of ERA.

2 References

- *The Code of Good Faith for Bargaining for Collective Agreements* set out in the publication *In Good Faith: Collective Bargaining Under the Employment Relations Act 2000 – what good faith is, pitfalls to avoid, practical examples*;
- *Employment Relationship Problems – what they are, how to prevent them, how to fix them*;
- *A guide for employers: hiring new employees in the Employment Relations Act environment – where to start, pitfalls to avoid, practical examples*.

These publications are available from:  
Employment Relations Service  
Department of Labour  
PO Box 105 146  
AUCKLAND  
Telephone 0800 800 863  
[www.ers.dol.govt.nz](http://www.ers.dol.govt.nz)

## **Elements and Performance Criteria**

### **element 1**

Describe the legal framework that governs the employment relationship.

### **performance criteria**

- 1.1 Description includes legislative principles that underpin employment relationships.

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Range: includes but is not limited to – good faith, mutual trust and confidence, the concept of a relationship.

1.2 Description includes purposes of legislation that forms the framework of the employment relationship.

Range: The Employment Relations Act 2000 (ERA), and a minimum of four from the following:  
Holidays Act 1981, Parental Leave and Employment Protection Act 1987, Health and Safety in Employment Act 1992, Injury Prevention, Rehabilitation, and Compensation Act 2001, Minimum Wage Act 1983, Wages Protection Act 1983, Equal Pay Act 1972, Higher Salaries Commission Act 1977, Human Rights Act 1993, Privacy Act 1993, State Sector Act 1988, State Owned Enterprises Act 1986, Industry Training Act 1992 or any other act named in Schedule 5 of ERA.

1.3 Description provides definitions of key concepts consistent with the ERA.

Range: key concepts - good faith, employer, union, workplace, consultation, employment relationship problem, industrial action, mediation.

1.4 Description distinguishes between employees and independent contractors.

**element 2**

Describe and distinguish between content and form of collective and individual employment agreements.

**performance criteria**

2.1 Description distinguishes between the legislative requirements of collective and individual employment agreements.

2.2 Description explains and distinguishes between implied and statutory terms and conditions and other express terms and conditions as agreed to by the parties of employment agreements.

2.3 Description provides definitions of key concepts related to collective bargaining.

Range: bargaining arrangement, coverage, variation, ratification.

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- 2.4 Description outlines the collective bargaining process, who the parties are, and the form and content of collective employment agreements.
- 2.5 Description outlines when an individual agreement can be negotiated, and the form and content of individual employment agreements.

**element 3**

Describe the resolution of employment relationship problems and the associated institutions and remedies available to support these processes.

**performance criteria**

- 3.1 Description outlines mediation services as provided for in the ERA, and explains how they may contribute to the early resolution of employment relationship problems.
- 3.2 Description outlines the roles of the Employment Relations Authority and Employment Court in relation to employment relationship problems.
- 3.3 Description includes the remedies that can be applied to employment relationship problems.

Range: includes but is not limited to - reinstatement, compensation, compliance order.

**Comments on this unit standard**

Please contact the NZQA National Qualifications Services [nqs@nzqa.govt.nz](mailto:nqs@nzqa.govt.nz) if you wish to suggest changes to the content of this unit standard.

**Please Note**

Providers must be accredited by the Qualifications Authority or a delegated inter-institutional body before they can register credits from assessment against unit standards or deliver courses of study leading to that assessment.

Industry Training Organisations must be accredited by the Qualifications Authority before they can register credits from assessment against unit standards.

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Accredited providers and Industry Training Organisations assessing against unit standards must engage with the moderation system that applies to those standards.

Accreditation requirements and an outline of the moderation system that applies to this standard are outlined in the Accreditation and Moderation Action Plan (AMAP). The AMAP also includes useful information about special requirements for providers wishing to develop education and training programmes, such as minimum qualifications for tutors and assessors, and special resource requirements.

This unit standard is covered by AMAP 0113 which can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.