



Legally Speaking

Employment law changes which may impact Canterbury farmers

The new government began their term with a 100-day plan and an intention to deliver 49 actions to New Zealand. The employment sector was part of this plan, and the government has recently passed new legislation which may impact Canterbury farmers and their employees.



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The first change was the passing of the Employment Relations (Trial Periods) Amendment Bill which has reinstated the 90-day trial period for all employers.

The new legislation allows employers to dismiss an employee within 90 days of starting work, without the need to provide a reason. In 2017, the Labour and New Zealand

First coalition limited the 90-day trial period to only apply to businesses with 19 or less employees. This change may come to a relief for Canterbury farmers who have many employees.

This change does not mean that all employees will be subject to trial periods, it simply allows the employer the option to include a trial period within their employment agreements.

A trial period must be agreed between the employer and employee, stated in writing and in good faith prior to the employee commencing work.

For Canterbury Farmers, this allows them to take a chance on a worker, without the risk of a costly dismissal process. The government has stated that this new legislation will "give businesses the confidence to innovate and grow".

The second legislation that came into force on 6 January 2024 is the Worker Protection (Migrant and other Employees) Act 2003. The purpose of this legislation is to protect employees from exploitation and will



impact immigration law in New Zealand as well.

Three new immigration infringement offences are being introduced, these include:

1. Allowing a person who is not entitled under the Immigration Act for work in the employer's service to do that work.
2. Employing a person in a manner that is inconsistent with a work-related condition of that person's visa.
3. Failing to comply with a requirement to

supply documents within 10 working days.

Canterbury Farmers that have, or intend to hire migrant workers, should ensure that they meet all of their obligations required under the legislation.

These changes are the beginning of the governments long list of plans for this term. If you have any concerns about your employees, the employment process, or your obligations, speak to your lawyer to ensure you will not be facing any liability.