

7 December 2023

Hon Judith Collins, Attorney-General

**Consistency with the New Zealand Bill of Rights Act 1990: Employment Relations (Trial Periods) Amendment Bill**

1. We have considered whether the Employment Relations (Trial Periods) Amendment Bill (the Bill) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. This Bill originated as a member's Bill in the name of Dr James McDowall. We provided advice on the Bill's consistency at that stage and now understand it is proposed to be adopted, in full, as a Government Bill.
3. Currently under the Employment Relations Act 2000, only an employer with fewer than 20 employees (a small-to-medium-sized employer) (at the beginning of the day on which the employment agreement is entered into) may employ a new employee on a trial period for up to 90 days (the 90-day trial period). If that employee is dismissed within the 90-day trial period, the employee cannot bring a personal grievance or other legal proceedings about their dismissal.
4. The purpose of the Bill is to enable employers that have 20 or more employees to also include a 90-day trial period in a new employee's employment agreement.
5. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



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