

Employment Court

(Employment Court of
New Zealand, n.d.)

Legislation

1991

Industrial Conciliation and Arbitration Acts

Created a compulsory and arbitration system for resolving disputes. Led to the creation of the Court of Arbitration. These elements were later repealed in 1973.

Industrial Relations Act 1973

Divided the roles of the Court of Arbitration between two newly created institutions - the Industrial Commission and the Industrial Court. The new Act introduced the distinction between disputes of interest and disputes of right.

Industrial Relations Amendment Act 1977

Abolished the Industrial Commission and Industrial Court establishing the Arbitration Court instead. The aim was to encourage greater interaction between the public and private sectors.

Industrial Relations Amendment Act 1984

Replaced compulsory arbitration with voluntary arbitration in the private sector. This change was intended to encourage employers and unions to settle their own disputes without the need for a third party intervention.

Industrial Relations: A framework for review. Green Paper, 1985

During the early 1980s a number of issues impacted upon the ongoing success of the industrial relations system. Of particular concern were the lengthy delays and workload of the Arbitration Court, the broad jurisdiction of the Arbitration Court, and the diminishing role of the Arbitration Court in the wage fixing process. As a consequence government reviewed the industrial relations system and issued a green paper.

Although restricted to the private sector the green paper signified the intentions of the Fourth Labour Government to change the industrial relations system. Public submissions on the paper highlighted a perception that the Arbitration Court was too legalistic in its approach and delays were common. New legislation followed.

Labour Relations Act 1987

A Labour Court was introduced to resolve disputes of right while the Arbitration Court focused on disputes of interest. Union monopolies were removed and unions could opt out of awards.

State Owned Enterprises Act 1986

State Owned Enterprises (SOEs). These public trading organisations - Air New Zealand, New Zealand Railways Department - were to operate as market driven entities.

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State Sector Act 1988

Put employment practices in the public sector on a comparable level to the private sector. Chief executives were appointed to manage and be accountable for the outputs of the remaining government agencies.

Employment Contracts Act 1991

Established the Employment Court and brought all types of employment contracts under the exclusive jurisdiction of the Court. Previous legislation covered only those employees on collective contracts represented by registered unions excluding employees on individually negotiated contracts.

Employment Relations Act 2000

Has the objective of building productive employment relationships through good faith behaviour in all aspects of the employment relationship.

Regulations

Current Acts are supported by Regulations detailing process and procedure for the operation of the Employment Court.

Employment Court Regulations 1991

Employment Court Regulations 2000

Employment Court Amendment Regulations 2004