

Paid Rest Breaks

There is no easy way around these three issues.

The Labour Inspectorate is continuing to visit and inspect horticulture businesses, employers therefore need to put themselves in the best possible position to ensure that they do not get problems from the Labour Inspectorate.

If piece rates are paid, rest breaks have to be separately paid for on a time basis, but based on what the worker is being paid as a piece rate. This is complicated. When the Labour Inspectorate visit, you will need to establish that you have paid this correctly. This is because piece rate workers do not earn when they take their paid breaks and **so their pay slips must show** that they are paid for paid rest breaks in addition to the piece work payment they receive. This payment cannot be less than the contracted rate the employee earns and the best option is that it needs to be an average of what the employee has earned during the current pay period. To say that the paid rest break is included in the piece rate is no longer legal.

Zero Hour Contracts

No longer are zero hour contracts permitted.

HortNZ has developed a standard fixed term agreement that deals with the zero hour issue. It is free to use by downloading of the www.hortnz.co.nz

The following wording could be used in your employment agreement:

HOURS OF WORK

The hours of work are based on the availability of work for the employer's horticulture operation and are up to 40 hours per week and up to 10 hours per day worked over no more than 6 days per week Monday to Sunday inclusive. Hours in excess of these will be by agreement between the employer and employee.

The employer will notify the employee before the commencement of each week the days that the employee is to work for the next week. The minimum hours of employment will not be less than 2 hours work per day for those notified days of work. The employer will give the employee as much notice as possible if due to weather conditions the day's work is delayed, finishes early or the day's work has to be cancelled and pay the employee for a minimum of 2 hours work whether or not the employee has worked for 2 hours that day.

If the employer cancels the day's work without telling the employee before the start of the day's work the employee will be paid as if they had worked a normal day.

BREAKS

The employee is entitled to paid rest breaks of 10 minutes duration and unpaid meal breaks. Breaks will be taken at suitable times during the employee's work. The employer will offer reasonable compensation if breaks cannot reasonably be given or where the employee is employed on a piece work basis.