



File No. DOIA 2021-2042

6 May 2021

Shanna Reeder

fyi-request-15158-b9f82b2e@requests.fyi.org.nz

Dear Shanna

Thank you for your email of 13 April 2021 to the Ministry of Business, Innovation and Employment (the Ministry) requesting the following under the Official Information Act 1982:

It is MBIE policy not to refer cases to the Labour Inspectorate where employees are represented by a union?

If so please provide a copy of this policy or guidance document.

Please provide the policy or document that does outline the criteria for cases to be referred and/or pursued by the Labour Inspectorate.

Attached with this response is a copy of *Escalation Practice Guidance for Service Centre*, which outlines what matters should and should not be referred to the Labour Inspectorate (the Inspectorate) for review. Page five of this document details the Ministry's policy for not referring cases to the Inspectorate if an employee is represented by a professional person or organisation.

This is a longstanding position whereby employees who have the means and abilities to have representation deal with the matter through those avenues, thereby leaving the Inspectorate to focus on those who don't have means i.e. the truly vulnerable.

Unions are granted some powers equal to those of the Labour Inspectorate to assist with the investigation of employment matters. For example, section 82 of the Holidays Act 2003 enables a union to request wages and time records from an employer on behalf of its member.

You have the right to seek an investigation and review by the Ombudsman of this response. The relevant details can be found at: www.ombudsman.parliament.nz.

Yours sincerely

Stu Lumsden
National Manager
Labour Inspectorate