

Hon Michael Wood

Minister of Transport
Minister for Workplace Relations and Safety



20 21 612

27 September 2021

David Jenkins
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Tēnā koe David

I acknowledge receipt of your letter of 22 August 2021 regarding the implementation of the Holidays Act Taskforce recommendations. In your letter, you raise concerns about the Better Rules process being used by the Ministry of Business, Innovation and Employment (MBIE) to update the Holidays Act 2003.

Better Rules is about people from a range of disciplines working together to test the recommendations and make sure that they will work for businesses, workers, and payroll providers and practitioners. This process has brought together unions, employers, policy analysts, payroll providers, payroll practitioners, and enforcement and compliance specialists. These teams are helping to identify areas where further clarifications are required and to test that the recommendations can be effectively implemented in practice.

The Better Rules approach uses international standards-based Business Architecture and Business Analysis methodologies, which are supported by professional bodies including the OMG (Object Management Group) and the IIBA (International Institute of Business Analysis).

The combination of using multi-disciplinary teams and international standards-based approaches means we can gain a common understanding of the Taskforce recommendations and reduce the impacts of different interpretations. It also facilitates building the logic required for implementation into digital payroll systems. The objective is to make it easier for employers and payroll providers to understand and apply the rules in their own context and improve overall compliance with the Act.

There is evidence that Better Rules works. While it is still a relatively new approach to policy development in New Zealand, it has been used across several government initiatives. In addition, the Better Rules approach has been applied internationally, such as in Australia and Denmark, and international and New Zealand-based communities of practice have recently been established. I understand that MBIE is drawing on these groups for the Holidays Act Review.

I am confident that the Better Rules approach will be successful. A key factor that gives me confidence in this process is the meaningful engagement with, and contribution of, the participants. They are ultimately helping to design the overall regulatory system to ensure it focuses on the needs of the end users of that system.

For these teams to work effectively though, it is important that the people involved engage with each other constructively and respectfully. I think your open letter, while raising important issues, failed to do this. Making personal attacks on those participating in the process and breaching the confidentiality of Better Rules discussions is not a constructive contribution.

You have valuable experience that you can input in to this process. I understand that Anna Clark, General Manager Workplace Relations and Safety Policy at MBIE, will be in contact with you to discuss your continued interest in participating in this process and an avenue for you to raise any concerns you have constructively and in line with the agreed processes.

Ngā mihi nui

A handwritten signature in blue ink that reads "M. Wood". The signature is fluid and cursive, with the first letter of each word being capitalized and larger than the others.

Hon Michael Wood
Minister for Workplace Relations and Safety