



Guidance for employers

Providing the form for new employees to indicate if they intend to join a union

Who do I need to provide the form to?

You must provide the form to new employees who are covered by the 30-day rule. An employee is covered by the 30 day rule if there is a collective agreement at the workplace that covers the work the employee is to undertake and that employee has not already chosen to join a union.

You do not need to provide the form to employees who are already employed and transfer to a new role within your business.

When does the form need to be provided to the employee?

You need to provide the form within the first 10 days of the employee's new role starting.

In what format can I provide the form to my employees?

You may provide the form in hardcopy or in a digital format. You may want to check with the employee whether they would prefer a physical or electronic version to complete.

If you sent out the form digitally, you may wish to set up an email reminder to prompt the employee to fill out the form.

Can I fill in my details digitally on the form?

Yes the form is a fillable PDF. This means you can put your employer name and any other applicable details on the form.

Part of the form asks for the names of the relevant unions to be provided. You may wish to work with the unions to determine if their collective agreement applies to the new employees you are required to give the form to and if so how they want the name of the union to be written.

What do I do after the employee returns the completed form within 30 days of starting employment?

This depends on the choices the employee made when completing the form:



If the employee intends to join a union

If the employee has specified the union they intend to join, you need to provide the form to that union.

You must also provide the form to any other applicable unions that cover the employee's work **unless** the employee has ticked the box objecting to their information being passed on.

If the employee indicates they intend to join a union, but they do not identify which particular union, then this form should be provided to all applicable unions that cover the employees work, unless the employee objects.

The form must be provided 10 working days after the period the employee has to return the form has ended. This period is 30 days after the employee started their job.

If the employee does not intend to join a union

If the employee has indicated that they do not intend to join a union, you need to provide the form to any unions that cover the employee's work **unless** the employee has ticked the box objecting to their form being passed on.

Unless the employee has objected, the form must be provided 10 working days after the period the employee has to return the form has ended. This period is 30 days after the employee started their job.

What do I do if the employee has not completed and returned the form within 30 days?

If the employee has not completed the form within their first 30 days in their role, you must provide the name of the employee and the fact that they did not complete and return the form to the unions with collective agreements that cover the employee's work.

This must be done within 10 working days after the period the employee has to return the form has ended. This period is 30 days after the employee started their job.

What format should I send the completed form in to the relevant unions?

You could email electronic copies of the form or scanned hardcopies of the form through to the union or send the forms through the post.

You may wish to get in contact with the union and work with them to figure out the easiest way for this information to be received.

What happens if I do not provide the form to employees?

You may be liable to a financial penalty imposed by the [Employment Relations Authority](#) of up to \$10,000 for an individual or \$20,000 for a company.