

Employment Relations Act 2000 – EREL Rights for Union Members

Section 78 of the Employment Relations Act 2000 outlines a union members' right (as an 'eligible employee') to take Employment Relations Education Leave (EREL). EREL can only be declined if the employer is 'satisfied, on reasonable grounds' that the particular date allocated would 'unreasonably disrupt the employer's business'

When EREL is granted, it must be treated as an otherwise working day and any shift that lands on that day or is immediately adjacent (i.e. a nightshift before or after) is not to be worked by the union member. The union member should not face any financial disadvantage if this is the case.

Section 79 of the Employment Relations Act 2000 provides that an employer must pay an eligible worker taking Employment Relations Education Leave (EREL) their *relevant daily pay* as defined in section 9 of the Holidays Act 2003.

Section 9 of the Holidays Act states that:

Relevant daily pay means the amount of pay that the employee would have received had the worker worked on the day concerned and must include payments for overtime if those payments would have otherwise been received had the worker worked on the day concerned:

NB: Relevant daily pay should be paid to the union member taking EREL regardless of whether the EREL day lands on a rostered day on, or a rostered day off.