

INDIVIDUAL EMPLOYMENT AGREEMENT
(KINDERGARTEN TEACHERS)

The effective date of this Individual Employment Agreement is the date it is signed by both parties or the date of promulgation, whichever is the later.

BETWEEN [identify association], a Kindergarten Association that controls a free kindergarten within the meaning of section 120 of the Education Act 1990 (herein known as the “employer” or “Association”).

AND (the “Employee”)

Definitions

A full-time employee means a teacher who is appointed to a position for which the total hours of work should, as far as practicable, not exceed 40 hours per week, worked from Monday to Friday inclusive.

A part-time employee means a teacher who is appointed to a position for which the total hours of work are less than 40 hours per week, worked between Monday and Friday.

The Employer appoints / continues the employment of [delete one] the employee in the position of [enter position including whether full-time or part-time, whether base scale teacher, head teacher, or senior teacher, and if a reliever, specify whether short-term or long-term reliever] working at [identify Kindergarten] with effect from [enter date of commencement for new employee or date agreement entered into for existing employee] upon and subject to the terms and conditions contained in this agreement.

The terms and conditions of employment under this individual employment agreement are the terms and conditions of the *Kindergarten Teachers, Head Teachers and Senior Teachers' Collective Agreement 2019-2022* which shall apply as an individual employment agreement, with all the necessary modifications as are necessary for that purpose and modified as necessary to ensure that any rates that are below minimum wage are replaced with the rate set out in the annual Minimum Wage Order. The terms and conditions of employment set out in this agreement replace any previous arrangements and understandings.

Any relevant term or condition in the collective agreement, including increases in remuneration, that has an implementation date prior to the date of this individual employment agreement being signed shall apply from the date of signing.

A full copy of the *Kindergarten Teachers, Head Teachers and Senior Teachers' Collective Agreement 2019-2022*, including the [plain language explanation](#) of the services available for the resolution of employment relationship problems, shall be available from the employer and is published on the Ministry of Education website (see www.education.govt.nz).

The employee acknowledges s/he has had reasonable opportunity to seek advice.

SIGNED by (Employee) on [date]

SIGNED for and on behalf of the above named Association by

..... [signature]
..... [print name and position]
..... [date]

New Employees

In offering the promulgated Individual Employment Agreement to new employees, boards are required to meet their obligations under the Employment Relations Act 2000. Set out below is a guide to the obligations in relation to new employees, but Boards should also seek advice from NZSTA.

New employees – where a collective agreement is in force

- New employees who are or become members of the NZ Educational Institute – Te Riu Roa (NZEI Te Riu Roa) (the union) and who perform the work covered by the Kindergarten Teachers, Head Teachers and Senior Teachers’ Collective Agreement (the Collective Agreement) will be bound by that collective agreement.
- New employees who are not members of the union and who perform the work covered by the Collective Agreement must be offered an individual employment agreement which, for the first 30 days of employment, contains terms and conditions of employment of that collective agreement.
- Before agreeing to the individual employment agreement and before the employee commences work, the employee must be advised that:
 - they are entitled to seek independent advice about the proposed employment agreement
 - the collective agreement exists and covers the work to be done by the employee
 - the employee may join the union, and how they can contact the union, and
 - if the employee joins the union, they will be bound by the collective agreement.
- The employer must give the employee:
 - a copy of the collective agreement
 - any information about the role and functions of the union that the employer is required to provide to prospective employees in accordance with a request by a union under section 30A of the Employment Relations Act
 - a reasonable opportunity to seek independent advice. The employer must also consider any issues that the employee raises and respond to them, and
 - within 10 days after they commence employment, a copy of MBIE’s “Form for new employees to indicate if they intend to join a union”, for the employee to complete and return. A copy of the form can be found [here](#) and further guidance can be found [here](#).
- At the end of the first 30 days of employment, if the employee has not joined the union, the employer and employee may agree to vary the terms and conditions of employment.
- If the parties wish to vary the promulgated individual employment agreement, whether on appointment or after the 30 day period, they will require concurrence from the Ministry. Note that the employee must be informed that they are entitled to seek independent advice about any variation to the promulgated agreement that is offered.
- If the employer and employee choose not to vary the terms and conditions of the promulgated individual employment agreement after the 30 day period it remains in force unchanged.

New employees - where a collective agreement is not in force

- Before agreeing to the individual employment agreement and before the employee commences work, the employee must be advised that they are entitled to seek independent advice about the agreement offered.
- The employer must give the employee:
 - a copy of the individual employment agreement being offered, and
 - a reasonable opportunity to seek independent advice. The employer must also consider any issues that the employee raises and respond to them.
- If the parties wish to vary the promulgated individual employment agreement they will require concurrence from the Ministry.