

Submission to Ministry of Business, Innovation and Employment

Holidays Act Review

October 2018

Background

WeCreate is the alliance of New Zealand's creative industries with the mission to grow the creative sector's contribution to New Zealand's economy. WeCreate's member organisations represent content creators and owners across the spectrum of the creative industries from screen, to games and books, visual arts, advertising, music, performing arts, mixed reality, design, photography and architecture. In addition to our members, large businesses and government agencies in the New Zealand creative sector are Friends of WeCreate. Together our Members and Friends represent over 25,000 individual creators and creative businesses.

In 2016, WeCreate commissioned NZIER to prepare *The Evolution of Kiwi Innovation*. This report demonstrated that kiwi creativity drives jobs and economic growth, not only in the creative industries, but increasingly as a key enabler of other sectors.

The New Zealand creative sector:

- **Enriches the lives of all New Zealanders** through our ideas, and our stories of people and place
- Brings fresh thinking and new solutions to **help Kiwis thrive**
- Is at the forefront of **technological innovation**
- Drives **growth** in the digital age through **innovation and productivity, diversifying** our output and exports beyond traditional industries
- Generates **high value jobs and outputs** – not just in the creative industries, but **in every sector**
- Fosters the skills and talent we will need to confidently face the **Future of Work**
- Offers new opportunities for **small business and regional development**
- Is sustainable and **kind to the environment, helping to meet emissions targets**
- **Exports globally**, growing trade weightlessly and with few barriers

In the past 2 years, WeCreate has consulted widely in the development of an Action Plan to grow our creative sector for the good of all New Zealanders. The comments made here are informed by that process, which involved the establishment of six Working Groups comprising industry experts, one of which is dedicated to Regulation. This Working Group has identified Employment Law as a key issue for the Creative Sector.

We welcome the continuation of the engagement we have with the Ministry to increase the understanding of the potential of and challenges for NZ creative businesses, as they relate to employment policy. Policy that has clarity and is efficient for businesses, particularly SME's, to comply with, is welcomed by the Creative Sector.

Submission prepared by Paula Browning
Chair, WeCreate Inc

Submission

1. WeCreate congratulates MBIE for undertaking a review of this legislation to ensure it is clear and able to be complied with for the diverse working arrangements of New Zealanders, including those employing in and working in the Creative Sector.
2. WeCreate's member organisations and their members – content creators and creative businesses – interact with employment legislation in some way, including with the Holidays Act.
3. Given that our approach on behalf of our members is sectoral, we will not comment on each of the issues identified in the issues paper.
4. The purpose of preparing this submission is to endorse MBIE's work on this issue, and any other issues relating to employment law, to ensure regulation keeps pace with how work occurs in the New Zealand economy.
5. Many Creative Sector workers and businesses are already operating in the model commonly referred to as "the future of work" and especially the "gig economy". Their experiences would add considerable value to the objectives of the Holidays Act Working Group and we encourage the Working Group to consult with us on the Creative Sector experience.