Regulatory Impact Statement: Extending the School Strike Notification

Coversheet

Purpose of Document	
Decision sought:	This analysis was produced for the purpose of informing final policy decisions to be taken by Cabinet on the appropriate notification period by unions for school strikes.
Advising agencies:	The Ministry of Education
Proposing Ministers:	Hon Erica Stanford, Minister of Education
Date finalised:	*08 October 2024*

Problem Definition

Under section 589 of the Education and Training Act 2020, unions must give 3 calendar days' notice before a proposed school strike.[1] However, this notice period is often inadequate for schools, parents, caregivers, and whānau to organise alternative care arrangements for students during strike action.

Parents, caregivers, and whānau have raised that the 3 calendar day notice is too short to arrange alternative supervision, which may require them to use annual leave, alter work schedules, or lose income. Similarly, some schools have also reported that the 3 calendar day notice period is insufficient to organise options that might allow them to stay open, such as organising for relief teachers.

Extending the notification period could help schools better prepare for the supervision of students and help reduce the number of days students cannot attend school due to strikes. Further, the arrangement of supervision or alternative care may help continue to protect the safety and wellbeing of students and provide for their continued education.[2] Evidence indicates a strong correlation between school attendance and academic achievement. Depending on the timing, strike action could negatively impact students' performance during critical assessment times, such as NCEA qualifications. However , officials consider it is important to find the middle ground between providing enough time for affected parties to

1 This paper uses the 'calendar days' to differentiate between days of the week and working days as defined in the Legislation Act 2019.

2 The effect on student achievement will depend on the quality of learning schools can provide. While an extended notification period may increase the chances of securing relief teachers, the quality of teaching available will determine the type of learning offered. This may not significantly improve student achievement, as the learning experience may differ from students' usual educational settings.

prepare for strikes, while upholding unions' rights to strike and preserving the efficacy of strike action.

Executive Summary

Background context

Since 2018, there have been two consecutive bargaining rounds for primary and secondary school teachers and principals. Both have been prolonged and challenging, involving multiple strikes. The Ministry of Education (the Ministry) has received complaints from parents, caregivers, and whānau regarding the difficulties posed by these strikes, particularly the need to arrange childcare and the loss of valuable learning days for students. School boards have also expressed concerns about the impact of short notice strikes on their school community resulting from the inability to arrange alternative staffing and/or care (i.e., available relief teachers) in time.

The Ministry considers that extending the strike notice period would give schools more time to assess staffing needs, potentially allowing them to stay open, while preserving the fundamental right of teachers, principals, and school staff to strike. It would also give whānau, parents, and caregivers more time to arrange alternative care if the school must close.

What objectives were considered?

The options were evaluated against objectives that aimed to provide adequate time for parents, schools, and students to prepare for the disruption of strike action, thereby supporting student well-being and achievement. At the same time, the evaluation sought to maintain an effective regulatory system that upholds workers' rights to strike, preserves the impact of strike action, and complies with international obligations.

Three options were agreed to by Cabinet for public consultation including:

- Option 1: to retain the status quo (3 calendar days' notification);
- Option 2: to make the notice period no less than 3 working days; and
- Option 3: to make the notice no less than 7 calendar days.

During public consultation, unions informed the Ministry that the wording in section 589 of the Act limits their ability to provide earlier formal notice of potential strikes. Under section 589, school board employees are required to provide *"3 days' notice before the commencement of a proposed strike"*. Unions have advised that section 589 limits the maximum amount of notice that can be given leading up to a strike and does not clarify whether formal notification can be made *before* the prescribed 3 days.

Unions have proposed a new *option 4* to amend the Act to require employees of school boards to give "*no less* than 3 calendar days' notice" before the commencement of a proposed strike. Officials consider that while this option could benefit all parties, it relies on unions voluntarily providing more than the required 3 calendar days' notice. This does not give students, parents, caregivers, and whānau the certainty needed to arrange alternative care.

Option 3 offers the longest notification period, enhancing student wellbeing and learning by giving parents, whānau, schools, and students more time to prepare for strike action. This includes arranging for supervision as well as continued learning, subject to the availability of relief teachers. Option 2 provides a middle ground, addressing concerns about short

notice while still allowing some time for preparation and preserving the effectiveness of strike action. The decision between options 2 and 3 is finely balanced and dependent on the degree to which increased notice for parents, students, whānau and schools is traded off against further limiting the strike notification period.

Limitations and Constraints on Analysis

Lack of centralised recording mechanisms

The Ministry does not maintain centralised records of complaints related to short notification periods for school strikes. Complaints are received through various channels, including direct correspondence with schools, regional offices, leadership advisors, direct contact with the Secretary for Education, the Minister of Education, and other Ministry channels. The absence of a centralised processing and complaints tracking system limits the Ministry's ability to fully understand the issue, resulting in an incomplete picture of the scale of the problem.

Self-selection bias may distort overall data

Public consultation on the school strike proposal took place from 1 August to 6 September 2024. A total of 124 responses were received from students, parents and caregivers, board members and principals, teachers, school staff, contractors, unions, and others. The majority of responses came from teachers, school staff and contractors, who comprised of 41 of 124 responses.[3] The differing levels of participation between teachers, school staff, and contractors, and other groups such as school leaders, parents, caregivers, and students, may have contributed to option 1 (status quo) being identified as the preferred choice. This variation in levels of participation may reflect the Ministry's well-established communication channels with teachers and school staff, as well as the promotion of the survey by unions, which likely encouraged higher teacher participation. Conversely, it is possible that weaker communication networks with parents, caregivers, and whānau may have limited their awareness of the survey, leading to lower participation. Improved engagement with these groups may have provided more balanced feedback.

Responsible Manager(s) (completed by relevant manager)

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Governance, Legislation, and Accountability

The Ministry of Education

8 October 2024

Quality Assurance (completed by QA panel)

Reviewing Agency:	The Ministry of Education Quality Assurance Panel

[3] Note: 8 of the 12 submitters who identified as 'Other' also co-identified as teachers in the survey with the majority supporting option 1: status quo.

Panel Assessment & Comment:	The Ministry of Education's Quality Assurance Panel has reviewed the Regulatory Impact Statement produced by the Ministry of Education and dated 3 October 2024. The panel considers that it meets the Quality Assurance criteria and provides clear analysis to support decisions on extending the time required for strike notices and the trade-offs that are required between each option.

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

Background on the school strike notification proposal

1. The right to strike is an important part of the collective bargaining process but is legally restricted by the requirement to provide notice before a strike commences. Under the Employment Relations Act 2000, employees must give notice before a strike. For teachers, principals and other school staff, this restriction was governed by the State Sector Act 1988 between 2004 and 2020, but was transferred into the Education and Training Act 2020 (the Act).[4]

2. Under the Act, teachers and other school board employees are required to provide 3 calendar days' notice before initiating a strike. This requirement reflects the strong public interest in education, and the need to provide supervision as it would be unsafe for teachers to leave classrooms without prior notice.

3. Since 2018, there have been two consecutive bargaining rounds for primary and secondary school teachers and principals. These have been prolonged involving multiple strikes, including rolling strikes throughout the country (Annex 1 refers).

4. As part of its routine operations, the Ministry of Education has heard from schools, parents, caregivers, and whānau that the three calendar day notice period leaves insufficient time to make alternative care arrangements, or to ensure that the school can remain open for instruction to provide for the supervision of its students.[5] This can be particularly difficult if the notice is given on a Friday or Saturday and the strike starts early in the following week.

5. Schools usually decide whether to close shortly after receiving notice so they can provide certainty to parents, caregivers and whānau as soon as possible. A longer notice period

4 The Education and Training Act 2020, section 589 (1)

5 The Ministry utilises a variety of mechanisms to track and record complaints raised by schools and their communities. These include multiple communications channels including direct correspondence with schools, regional Te Mahau offices, Leadership Advisors, contact through Government, Executive and Ministerial Services and other mailboxes, as well as direct contact with the Secretary for Education or the Minister of Education. The Ministry does not maintain a centralised complaints recording mechanism and therefore limits the Ministry's ability to understand the full scope of the issue.

would give schools more time to evaluate options that might allow them to stay open, such as resourcing relief staff. While it is important to provide enough time for affected parties to prepare for strikes, particularly if it could result in children being left without appropriate supervision, it is important to recognise that the disruptive nature of strikes is central to the efficacy of strike action.

What is the policy problem or opportunity?

Legislative settings in the Education and Training Act 2020

6. Section 589 (1) of the Act sets out the notice period requirements for school strikes. The provision states:

> *A strike by employees of any board is not lawful for the purposes of the Employment Relations Act 2000 unless the Public Service Commissioner and each board are given notice in written or electronic form of the proposed strike 3 days before the commencement of the proposed strike.*

7. Under the Act, the Public Service Commissioner holds the authority to negotiate collective agreements, however this power is delegated to the Secretary for Education (the Secretary).

8. Upon receiving notification of a strike, schools must determine whether they can remain open or if they need to close.[6] If a school decides to stay open, the school board is responsible for arranging additional supervision and informing parents, caregivers, and whānau of these arrangements.

The potential impacts of short notification period on schools, students, parents, caregivers and whānau

9. Schools have indicated that the 3 calendar day notification period does not provide sufficient time to arrange for options that might allow them to stay open to supervise students, or to provide continued learning through relief teachers. For some students, this may raise safety and wellbeing concerns if no alternative caregiver is available at short notice during the strike period.

10. In addition to student wellbeing concerns, short notification periods may negatively impact students' performance by reducing their days of learning. This may have strong impacts during critical assessment times such as NCEA qualifications. Evidence shows a strong correlation between school attendance and academic achievement.[7] Extending the notification period would enable schools to better plan for student supervision, reducing the number of days students miss school due to strikes. However, this will depend on the school's ability to organise relief teachers or other staff for supervision and/or instruction during strike action and the impact on student learning will depend on the quality of learning schools can provide if they remain open.

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6 The Education (When State Schools Must Be Open and Closed) Regulations 2024 – enables schools to close due to a lawful strike or lockout (within the meaning of Part 8 of the Employment Relations Act 2000).

7 Note: there is a direct correlation between student attendance and academic achievement, including literacy and numeracy scores from Years 4 to 10, as well as NCEA attainment. This relationship is linear, meaning that each day of absence from school is associated with a proportional decline in academic performance *(Further information can be found at:https://www.educationcounts.govt.nz/publications/schooling/he-whakaaro-what-is-the-relationship-between-attendance-and-attainment).*

11. Similarly, parents, caregivers, and whānau have raised concerns that the current arrangement does not allow enough time to organise alternative supervision for their children. In such cases, individuals may need to use annual leave, adjust work schedules, or face potential income loss. Businesses may also experience disruptions if employees need to take time off work or work remotely due to a short notice strike. With a student population of over 800,000, the nationwide impact of these strikes is significant. Extending the notification period could help mitigate these issues by providing parents, whānau, and businesses more time to prepare.

What objectives are sought in relation to the policy problem?

12. The objectives pursued for the school strike notification proposal include:

- **Giving adequate time for parents, whānau, schools, and students to prepare** for the disruption of a strike to primarily support student safety, wellbeing and achievement.
- **Uphold workers' rights to strike,** preserve the efficacy of strike action, and align with international obligations.

Section 2: Deciding upon an option to address the policy problem

What criteria will be used to compare options to the status quo?

13. The Ministry has considered the options against the following criteria to assess whether they will achieve the objectives in paragraph 12. A full assessment has been set out in Table 1.

- ***Provides adequate time to prepare and protects the safety, wellbeing, and educational outcomes of students during strike action*** *– the options should prioritise the health, safety and wellbeing of students and help maintain continued learning where possible.*
- ***Preserves workers' rights to strike –*** *the options should continue to preserve workers' rights to strike and uphold the effectiveness of strike action. The option should also align with relevant international standards to ensure it is in line with global best practices and benchmarks.*
- ***Is cost effective*** *– the options should aim to reduce expenses and streamline processes to avoid placing unnecessary strain on schools, parents, whānau, families and other stakeholders.*
- ***Is consistent with the Articles of Te Tiriti o Waitangi / The Treaty of Waitangi (Te Tiriti)–*** *options should align with the articles of Te Tiriti to ensure that policies respect Māori rights, promote partnership, participation and protection as set out in Cabinet Office Circular (CO(19)5) Te Tiriti o Waitangi / Treaty of Waitangi Guidance. (Annex 2 refers).*[8]

14. A full Te Tiriti O Waitangi / The Treaty of Waitangi analysis against the options has been set out in Annex 2 reflecting the Cabinet Office Circular (CO(19)5) Te Tiriti o Waitangi / Treaty of Waitangi Guidance.

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8 Te Tiriti o Waitangi / The Treaty of Waitangi Cabinet Office Circular CO 19 (5) Treaty of Waitangi Guidance for Agencies.pdf (dpmc.govt.nz).

What scope will the options be considered within?

15. The current regulatory framework for industrial relations for teachers is primarily based on the Employment Relations Act 2000, however the requirements related to strike notifications in schools is contained within section 589 ('Strikes in schools to be notified') of the Act. Section 589(1) sets out the requirements for notification periods for proposed strike action. The Ministry did not consider any legislative options outside of the Education and Training Act 2020 settings.

What options are being considered?

16. In July 2024, Cabinet approved the release of a discussion document for public consultation to obtain feedback on the following three options [CAB-24-MIN-0248][9]:

- Option 1: to retain the status quo (3 calendar days' notification);
- Option 2: to make the notice period no less than 3 working days; and
- Option 3: to make the notice no less than 7 calendar days.

Options not considered: a 14-day notification period and non-regulatory options

17. Officials did not consider making schooling services an essential service or changing the notice period to 14 days' notice which is what essential services such as health and fire services must give.[10] This would conflict with International Labour Organisation (ILO) jurisprudence, which excludes teaching services from the list of essential services.[11,]

18. Other non-regulatory options, such as informal agreements with unions or increasing the pool of relief teachers during a strike were considered. However, officials considered that informal agreements would be unlikely to provide enough certainty for schools, parents, caregivers, and whānau to make necessary alternative arrangements. Additionally, increases in relief teachers during strike action would also be subject to workforce resourcing.

19. Unions have previously indicated they will comply with the exact requirements of legislation and that they currently cannot provide any more formal notice than 3 calendar days due to the wording in the Act.

Feedback from public consultation

20. The Ministry publicly consulted on the strike notification proposal from 1 August to 6 September 2024. Participants were asked to engage with a discussion document seeking their views on how the 3 calendar day notice period had affected them, including whether the current notice period was too long, short or sufficient, and which of the three options submitters preferred.

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9 As part of examining the extent and scope of the strike notification proposal, an interim-Regulatory Impact Statement (RIS) exemption was granted on the condition that a full RIS would be conducted following public consultation

10 Essential services are listed in Schedule 1 of the Employment Relations Act 2000. Under section 90 of the Employment Relations Act employees working in the areas of public health and safety, the supply of water, the disposal of sewage, air and railway services, fire services, ambulance services, the interisland ferries, and the operation of prisons and welfare institutions must give no less than 14 days' notice of strike action. Employees whose work involves the holding and preparation of mammals or birds for commercial slaughter and consumption, must give no less than three days' notice.

11 Timo Knäbe and Carlos R. Carrión-Crespo, International Labour Organisation "The scope of essential services: Laws, regulations and practices" (WP334, 2019) available at: wcms_737647.pdf (ilo.org)

21. Specific invitations to participate were extended to representative union groups and peak bodies including NZEI | Te Riu Roa, the New Zealand Post Primary Teachers Association | Te Wehengarua, the Secondary Principals' Association New Zealand, the Primary Principals' Collective Bargaining Union, and Te Rūnanga Nui o ngā Kura Kaupapa Māori o Aotearoa, Ngā Kura ā Iwi o Aotearoa, and the Matāuranga Māori Iwi Leaders Group.

22. The Ministry communicated through the School Leaders Education Bulletin to advise school leaders of the upcoming consultation and on the school strike notification proposal. It also used press releases on the Ministry website, and informed other government departments on the release and publication of the survey for wider distribution. The Ministry also leveraged social media platforms such as Facebook to try to facilitate wider public engagement. Ministry staff were also made aware of the consultation through internal messaging including Te Tahuhu updates.[12]

23. In total, 124 respondents participated in the survey (respondents did not answer all questions).[13] Respondents comprised of:

			Extending the notification period	
Respondent type	**Number of respondents**	**Preferred Option 1: *status quo***	**Preferred Option 2: *no less than 3 working days***	**Preferred Option 3: *no less than 7 calendar days***
Board member and/or principal	25	8	5	12
Teacher, school staff or contractor	41	24	8	8
Parent or caregiver	36	17	7	12
Student	2	1	0	1
Other	12	9	1	2
Union groups*	4	Union groups preferred new Option 4 'no less than 3 calendar days.		

24. The discussion document, *"Proposal to change notice period for school strikes'* invited respondents to share their views on whether the 3 day strike notice period was too short, sufficient, or too long. Aggregated responses from submitters are set out below:

- ***73 respondents (61%)*** indicated that the current 3 calendar-day notification period prescribed in the Act is sufficient. Submitters noted that strikes are intended to maximise disruption to pressure and leverage government to find better solutions. Some submitters also raised that strikes enable teachers to express their frustrations

12 Ministry staff were made aware of the proposal through the Ministry's internal website Te Tahuhu - Sharing our knowledge. External communications were also included on the Ministry's front facing web page https://www.education.govt.nz/.

13 4 separate submissions were also received from union groups outside of the public consultation survey.

and publicly advocate for better working conditions. Many submitters felt that extending the notification period would weaken this impact.

- ***41 respondents (35%)*** indicated that the 3 calendar day notification period was too short. Most parents, caregivers and whānau who chose this option expressed that the notification period did not allow enough time to arrange alternative childcare causing stress and disruption to their families and children. Other submitters, including board members, raised that the existing notification period limited schools' abilities to organise for the supervision of students through relief teachers, to formally close the school for instruction, and to communicate closure with the school's community.
- ***6 respondents (5%)*** indicated that the 3 calendar day notification period was too long. These respondents considered that the current notification period diminished the effectiveness of strike action and supported a shorter notification period to create more disruption. Some submitters proposed that a shorter notification period of up to 24 hours would place greater pressure on government leading to faster resolutions.

25. The discussion document invited participants to select their preferred option.

- ***66 respondents (53%)*** supported *Option 1 – status quo*. Respondents who preferred this option emphasised that the current notice period retains the effectiveness of strikes as the shorter notice period incentivises government to act with urgency. Most felt that extending the notification period could weaken this impact and reduce the strike's intended effect. Some submitters also raised that the current provisions work well in most cases, and that changing the notification period would be disproportionate to the few instances where it is insufficient.
- ***21 respondents (17%)*** supported *Option 2- to make the notice period no less than 3 working days.* Respondents who supported this option raised that it struck a fair and reasonable balance between the interests of schools, students, parents, caregivers, whānau and striking parties.
- ***36 respondents (30%)*** supported *Option 3 - to make the notice no less than 7 calendar days.* Respondents who preferred this option raised that 7 calendar days provides more time to make alternative care arrangements, which can at times be complex requiring coordinating with other parents or family for childcare. Some board members and/or principals who supported this option raised that the extended period would enable schools to organise alternative care, which was particularly important for children who were unable to stay home.

Most school leaders, parents, caregivers and whānau supported extending the notification period for school strikes

26. School leaders, parents, caregivers, and whānau individually made up a smaller portion of responses. However, most of these respondents supported some form of extension to the school strike notification period, likely reflecting the fact that this group will be responsible for managing disruptions caused by strikes, including communicating the strike action to the school community and making alternate care arrangements for children.

- ***17 of 25 (68%)*** of school leaders supported some form of extending the notification period. Most of these respondents raised that the short notification period had practical implications on school operations limiting their ability to make alternative arrangements to keep their school open during strikes.

- ***19 of 36 (52%)*** of parents, caregivers, and whānau also supported extending the notification period, but there was not a clear consensus on the best way to extend. This group of respondents also raised that the short notification period limits their ability to arrange alternative care, which has corresponding implications on their children's learning.

27. Officials consider that the higher number of teachers, school staff, and contractors participating in the survey likely influenced the overall results. A total of 41 teachers, school staff and contractors responded to the survey. An additional 8 of the 12 individuals who identified as 'other' also co-identified as teachers. Conversely, only 36 parents, caregivers, and whānau responded, suggesting their underrepresentation. This likely reflects the Ministry's weaker communication with this group, which may have skewed the survey's ability to accurately capture their views.

New option 4 raised following feedback from the unions

28. During public consultation, union groups raised that legislative settings in the Act limit the extent to which they can formally notify of potential strike action. This issue relates to the wording in section 589, which specifies that employees of boards must give *"3 days' notice before the commencement of a proposed strike".*[14]

29. Unions have advised that section 589 limits the maximum amount of notice that can be given leading up to a strike and does not clarify whether formal notification can be made *before* the prescribed 3 days. This differs from practices in the Employment Relations Act 2000, where a notice must be given before the prescribed minimum period.[15] Unions note that this limits their ability to provide earlier notification.

30. In response, officials considered a new option 4 to amend the Act to require that employees of school boards provide *'no less than 3 calendar days'* notice' in Table 1.

Options included for analysis

31. Following feedback from the sector and public consultation, the following four options were included for consideration in this RIS:

- ***Option One – Retain the status quo (3 calendar days)*** - this option involves no change to Section 589 of the Act and would leave the notice period for school strikes at their current 3 calendar days setting.

- ***Option Two - Change the notice period to no less than 3 working days*** - this option would amend Section 589 of the Act to require that employees (teachers, principals, and other school staff) provide no less than 3 working days' notice of a proposed strike.

- ***Option Three – Change the notice period to no less than 7 calendar days*** - this option would amend Section 589 of the Act to require that employees (teachers, principal and other school staff) provide no less than 7 calendar days' notice of a proposed strike.[16]

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14 Section 589(1) of the Education and Training Act 2020

15 Section 90(3) of the Employment Relations Act 2000 specifies that essential services that hold and prepare animals for commercial slaughter for human or animal consumption must provide no less than 3 days' notice before a strike.

16 Option 3 may present an additional 4 day difference over option 2, however this will be subject to when the notice was provided and whether dates are affected by weekends or public holidays. Subsequently, option 3 may only provide some increased time over option 2.

- ***Option Four – Amend the Act to specify 'no less than' 3 calendar days' notice*** - this option would amend Section 589 of the Act to require that employees (teachers, principals, and other school staff) provide no less than 3 calendar days' notice.

Table 1: How do the options compare to the status quo/counterfactual?

	Option 1: Counterfactual 3 calendar days notice	**Option 2:** *No less than 3 working days notice*	**Option 3:** *No less than 7 calendar days notice*	**Option 4:** *no less than 3 calendar days notice*[17]
Provides adequate time to prepare and protects students' health, safety, and education	This option does not provide enough time for schools, parents, caregivers, and whānau to make alternative arrangements to help mitigate the effect of strike action. **0**	This may help protect the wellbeing and safety of students by restricting union's ability to provide short strike notifications (i.e., notification on a Friday for a strike to commence on Monday). This may give parents, caregivers, and whānau more time to make alternative care arrangements if required and provide schools with more time to arrange for alternative supervision and continued learning, subject to the availability of relief teachers. Note, that the level of instruction may differ as relief teachers may not be able to provide the same level of instruction as the students' regular educational settings. **+**	This option provides the most time for parents, caregivers, and whānau to arrange childcare, helping ensure students' wellbeing and safety through supervision. The extended notification period would also give schools more time to resource alternative care (i.e., relief teachers), potentially allowing students to continue learning during strikes. The amount of extra time provided will depend on factors including when the notice was provided or whether the date may be affected by public holidays. In such circumstances, the option may only provide for a limited increase in notification. Further, the benefits to students of an extended time will depend on the availability of relief teachers, who may not provide the same level of instruction as the students' regular educational settings. **++**	This option could give parents, caregivers, and whānau more time to arrange alternative childcare. However, the decision to provide notice earlier than the required 3 day period remains at the union's discretion. As a result, this option may fail to address the issues identified with the counterfactual if the striking party chooses not to voluntarily provide earlier notification. **0**
Preserves workers right to strike and the effect of strike action	This option does not impact employees' the right to strike. However, it does limit the extent to which unions can provide earlier formal notice. This is because the current provision in the Act does not clarify whether strike notifications can be provided earlier than the required 3 calendar days. This option should be consistent with relevant International Labour Organisations (ILO) standards as it allows employees to have a regulated right to strike. **0**	This option maintains employees' right to strike but requires unions to give at least 3 working days' notice. The notice period recognises that the effectiveness of strike action relies on their urgency and immediacy. In this sense, this option may be worse than the status quo as the increased notice period of 3 *working days* may impact this disruptive effect. However, while extending the notice period may lessen the immediate impact of strikes, it is not so burdensome as to significantly undermine their effectiveness. Furthermore, the requirement remains flexible, allowing unions to provide earlier notice if they choose. This option should be consistent with International Labour Organisation (ILO) standards, ensuring a regulated right to strike. **-**	This option maintains employees' right to strike but requires unions to give at least 7 calendar days notice. However, it is the most likely to diminish the effectiveness of strike action, as an extended notification period would give affected parties more time to prepare, thereby reducing the intended disruptive impact. This could limit unions' ability to strike in a way that most effectively represents their interest. While this option may impact the efficacy of strike action, it does not impact employees' rights to strike and should be consistent with relevant International Labour Organisations (ILO) standards. **--**	This option preserves employees' right to strike while offering unions the greatest flexibility in issuing formal strike notices to align with their needs and interests. By allowing unions to choose whether to provide early or late notification, they can better manage the impact and objectives of their action, including the potential for intentional disruption. However, if unions decide to provide the standard amount of notification, there will be no corresponding difference to the status quo. Further, unions have advised that they already provide informal notice of upcoming strikes. This option should be consistent with relevant International Labour Organisation (ILO) standards, ensuring a regulated right to strike. **+**

[17] Note: the ranking of option 4 is dependent on unions voluntarily providing more notice than the required 3 calendar days. Officials consider that while this option may provide equal benefits to other options if unions did voluntarily provide more notice, it does not provide affected parties with the certainty needed to make alternative arrangements.

Is cost effective	This option will likely have financial implications for affected parties who may be unable to organise alternative care arrangements in time. This may result in some carers having to use annual leave, make alternative work arrangements, or lose income in some circumstances. This is likely to disrupt businesses if employees are required to take time off work or work remotely. **0**	This option provides parents, caregivers, and whānau with more time to prepare alternative arrangements to help mitigate the impacts of strike action. This increased notification period may give carers limited time to make alternative work arrangements, and businesses limited time to make to make the arrangements necessary to continue their operations. **+**	This option gives parents, caregivers, and whānau the most time to prepare alternative arrangements, and will be most effective of all options in helping affected parties mitigate the impacts of strike action. This option is also most likely to allow workers and/or businesses to make proactive arrangements to ensure that their operations can continue without disruption from strikes. **++**	This option has the potential to be cost effective for parents, caregivers, whānau and schools, however it is dependent on unions voluntarily providing formal notice of strikes in time for affected parties to arrange for the alternative care and/or supervision of students. Unions have advised that they have adopted practices to informally advise schools of upcoming strikes. **0**
Is consistent with the Articles of Te Tiriti o Waitangi / The Treaty of Waitangi	The counterfactual does not affect Māori union members' right to strike, but the short notification period limits ākonga, kura, and whānau Māori from making alternative arrangements. Additionally, the current settings prevent unions and their members, including Māori members, from providing more than the legislated 3 day notice before a proposed strike. **0**	The proposed options will require unions to comply with the Act's legislative provisions. While they won't affect the right to strike, they will extend the notification period, impacting the autonomy of unions and their members, including Māori members. However, this extended notice will give kura, ākonga, parents, caregivers, and whānau more time to make alternative care arrangements. Although the increase in union autonomy is limited, it improves on the current situation by allowing whānau Māori more time to prepare for strike disruptions. **+**	This option will not impact unions right to strike but will impact the notification period unions are required to provide. Option 3 requires the longest notification period which will likely impact on the efficacy of strike action. This may limit Māori union members' abilities to exercise tino rangatiratanga over education in kura settings in ways that best reflect their interests (i.e., increased disruption). However, the option will also provide affected parties with the longest amount of time to prepare for strike action. This provides greater agency to kura, ākonga, and whānau Māori by providing more time to arrange alternative care and to potentially keep kura open. **+**	This option does not affect the unions' right to strike but does extend the required notification period. It allows unions the discretion to provide notice earlier than the mandated 3 days, offering them greater flexibility in kura education settings. Depending on the union's decision, this could also give affected parties more time to arrange alternative care, allowing kura, ākonga, and whānau Māori to exercise greater agency in preparing for ākonga supervision. However, this benefit relies entirely on unions choosing to provide more notice than the required 3 days. **0**
Total ranking	0	2	3	1

Qualitative judgement key				
++ Much better than doing nothing/the status quo/counterfactual	+ Better than doing nothing/the status quo/counterfactual	0 About the same as doing nothing/the status quo/counterfactual	- Worse than doing nothing/the status quo/counterfactual	- - Much worse than doing nothing/the status quo/counterfactual

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

We recommend either option 2 or option 3, depending on the primary objective being pursued

32. While public consultation indicates that most teachers, school staff, and contractors favoured *option 1: retaining the status quo*, officials emphasise the importance of considering preferences from within the broader scope of submissions received from other groups.

33. Submissions received from school leaders and parents highlight that most of these respondents favoured some form of extending the notification period. This likely reflects the fact that these groups will bear the impacts of short notification periods and may require more time to manage disruptions. Considering this input, officials note that the recommended option will differ based on the weighing of the objectives, which may include the prioritisation of either:

    - *providing more time for parents, whānau, schools and students to prepare for the disruption of strikes to support student wellbeing and achievement; or*
    - *maintaining a regulatory system that upholds workers' rights to strike, preserves the efficacy of strike action, and aligns with international obligations.*

34. If student safety, wellbeing, and achievement are prioritised as the key objectives, a minimum of 7 calendar days' notice would offer the greatest benefit by allowing sufficient time for parents, whānau, schools, and students to make alternative care arrangements. However, option 2: requiring a minimum of 3 working days' notice, may achieve a middle ground, providing affected parties with some additional preparation time while preserving the overall efficacy of strike action.

Both option 2 and 3 both provide schools, parents, caregivers and whānau with more time to strike, however a longer notification period will likely impact the effectiveness of strikes

35. Officials acknowledge that option 3: no less than 7 calendar days provides the most protection for students' health, wellbeing, and continued learning of all presented options. Extending the notification period to a minimum of 7 calendar days gives parents, caregivers, and whānau more time to arrange alternative care. Feedback from public consultation highlights that many carers consider that the current 3 calendar day notification is insufficient for organising care, which often requires coordination with other parents or family members. Further, this option would give schools more time to arrange for relief teachers, enabling schools to potentially remain open to supervise students. This may also enable schools to provide students with continued learning, subject to the availability of relief teachers and the type of learning schools can offer through relief teaching. An additional benefit may be the additional time businesses would have to proactively make arrangements to ensure that they can continue without disruption.

36. Conversely, while option 3 offers greater benefits for school leadership, parents, caregivers, and whānau, it is also likely to reduce the effectiveness of strike action by diminishing their sense of urgency and impact. Strikes are often intended to create immediate pressure on employers to address workers' concerns. Extending the notice period could alleviate this pressure and reduce the strike's disruptive impact by allowing more time for preparation. Consultation feedback shows that most supporters of option 1 (status quo) believe the power of industrial action comes from its immediate impact

and consider that extending the notice period weakens its effectiveness as a bargaining tool. Most submitters expressed a willingness to tolerate these disruptions.

37. Data from strike action between 2018 and 2023 indicates that most strikes notices averaged between two to three working days' notice (see Annex 1). While there have been instances of shorter notifications, such as in April 2023, when the PPTA issued a notice for secondary and area teachers strikes on a Friday for a strike beginning the following Monday, the overall trend remains consistent. Despite the average 3 working days notice, the Ministry has continued to receive complaints from parents, caregivers, and that this does not allow adequate time to prepare alternative arrangements. This feedback suggests that a 3 working day notice may be insufficient to meet the needs of affected parties, warranting consideration for an extended notification period. Depending on the date that a notification is given in (i.e., Saturday, public holidays), option 3 would provide some extra time for affected parties to prepare. However, officials reiterate that such considerations must be made with due consideration that an extended notification period will likely impact union's abilities to strike in a manner that best reflects their needs and interests.

An extended notification period may limit union's strategic flexibility and could make mediation between parties more difficult

38. The Ministry has received submissions from unions who advised that they have recently adopted practices of informally providing earlier notice than the 3 day requirement currently specified in legislation. This indicates a willingness on the part of these unions to offer more preparation time voluntarily, which may suggest that an extended notice period might not drastically hinder their ability to achieve strike objectives. However, officials note that mandating a 7 calendar day notice period could formalise this practice and limit the unions' strategic flexibility in coordinating strike action.

39. Unions have also expressed concerns that extending the notification period to provide for longer mediation may produce unwanted consequences, including deepening divisions between parties at a time when relations are likely already strained. A prolonged mediation process could entrench positions, making it more difficult to reach a resolution and potentially exacerbating tensions rather than fostering constructive dialogue. Additionally, a longer mediation period could delay the resolution of disputes, prolonging uncertainty for both employees and employers. This extended period of tension could diminish trust in the negotiation process, and ultimately hinder the ability to achieve a fair and timely outcome.

We do not recommend option four as it does not provide enough certainty to schools, students, parents, and whānau

40. During consultation, unions raised that the current wording in section 589(1) of the Act requires "*3 days' notice before a proposed strike*". This provision does not clarify whether earlier notice is permitted. Unions highlight that this wording is ambiguous and precludes the possibility of providing formal notice of a strike earlier than the statutorily required 3 calendar days.

41. In response, unions have proposed a new *option 4* to amend the Act to require employees of school boards to give "*no less* than 3 calendar days' notice" before the commencement of a proposed strike. Officials evaluated this option and recognise that it could offer equal benefits to options 1 and 2. For example, unions could issue formal

notice earlier than the required 3 working days or 7 calendar days. This added flexibility could improve protection for students and provide schools, parents, caregivers, whānau, and businesses with more time to prepare.

42. However, officials note that the benefits of option 4 depend on unions voluntarily providing formal notice earlier than the minimum specified period. While the unions have generally provided informal notice to the Ministry about strikes, this has been at their discretion. Moreover, the preferred options do not restrict unions from giving earlier notice if they choose, as it requires a *minimum* of 3 working days' or 7 calendar days notice but allows for earlier notification.

43. While option 4 might provide equal protections to the preferred option, it introduces a significant level of uncertainty as the procurement of benefits depend entirely on the union's discretion to provide notice earlier than the required 3 working days or 7 calendar days. This uncertainty fails to offer sufficient assurance to schools, students, parents, caregivers, whānau, and other affected parties.

We recommend either option 2 or option 3 depending on the prioritisation of objectives

44. Option 3 offers the longest notification period, resulting in greater benefits for parents, whānau, schools, and students by providing more time to prepare for strike action. This extended period allows for better planning, including securing student supervision and potentially enabling continued learning, contingent on the availability of relief teachers. However, option 2 provides a more balanced solution. It addresses concerns about short notification periods, offers some additional time for affected parties to make necessary arrangements, and ensures the timeframe remains reasonable enough to preserve the effectiveness of strike action. Ultimately, the choice between these options will depend on whether the decision-makers prioritise maximising preparation time or maintaining the impact of industrial action.

What are the marginal costs and benefits of Option 2 (no less then 3 working days notification) and Option 3 (no less than 7 calendar days)?

Affected groups *(identify)*	**Comment** *nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.*	**Impact (Option 2)** *$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.*	**Impact (Option 3)** *$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.*	**Evidence Certainty** *High, medium, or low, and explain reasoning in comment column.*
	Additional costs of the preferred option(s) compared to the status quo			
Regulated groups (Unions)	No additional costs on unions by extending the strike notification period to no less than 3 working days or 7 working days. However, an increased notification period may reduce the efficacy of strike impacts.	*Medium,*	*Medium*	*Medium*

Regulators (Ministry of Education)	No additional costs on the Ministry by extending the strike notification period to no less than 3 working days or 7 calendar days.	*Low*	*Low*	*High*
Others (e.g., wider govt, schools, parents, caregivers, whānau, businesses)	No additional costs on others such as school boards, parents, caregivers, whānau and businesses by extending the strike notification period to no less than 3 working days or 7 calendar days.	*Low*	*Low*	*High*
Total monetised costs	Unable to estimate/monetise expected savings on affected parties.			*Low*
Non-monetised costs	Union members may consider that both options, but in particular option 3, could undermine the overall effectiveness of the strike and affect the negotiation of collective agreements.			*Low*
	Additional benefits of the preferred option(s) compared to taking no action			
Regulated groups (Unions)	Neither options will impact employees' abilities to strike. However, option 2 is likely to have less impacts on the efficacy of strike action than option 3 due to the extended notice period and the impact this may have on the intended effect of strike action, which may include disruptions. Both options retain union's ability to notify all affected parties earlier, consistent with recent practice as advised by unions.	*Low*	*Low*	*Medium*
Regulators (Ministry of Education)	The Ministry will be less likely to receive complaints from schools, parents, caregivers, and whānau about strikes if more notice is given. Moreover, the Ministry may have more time to engage in mediation with unions while recognising and preserving the urgency of the impending strike action.	*Low*	Low	*Medium*
Others (e.g., wider govt, schools, parents, caregivers, whānau, businesses)	Under option 2, schools, parents, caregivers, whānau, will have a moderate increase in the time available to arrange alternative care arrangements. Option 3 would provide the most time to prepare for strike action. Option options will likely have effects on businesses who may have more time to make short-notice arrangements if their staff have to take time off work or work remotely due to a teacher strike.	*Low*	Medium	*Medium*

Total monetised benefits	Providing for an increased notice period is likely to have monetised benefits for parents, caregivers, businesses who can prepare for necessary alternative care arrangements.	*Low*	Medium	*Medium*
Non-monetised benefits	An increased notice period is likely to give schools, parents, caregivers, and whānau more time to make arrangements to stay open or to arrange for the supervision of students. This will benefit students' health, safety, and, potentially, continued learning (subject to the availability of relief teachers and the type of learning available).	*Low*	*Medium*	*Medium*

Te Tiriti o Waitangi Analysis

45. As a partner to Te Tiriti o Waitangi, the Crown has a duty to actively promote and protect Tiriti rights and interests and to develop education settings in a way that supports Māori-Crown relationships. This duty is recognised in section 4(d) of the Act which records one of the education system's purposes as being *"to establish and regulate an education system that honours Te Tiriti o Waitangi and supports Māori-Crown relationships"*. Te Tiriti analysis supports the Crown to uphold our obligations to Māori by actively considering how an extended school strike notification period might impact Māori.

46. Annex 2 provides a summary of Te Tiriti implications, evaluating how this policy might intentionally or unintentionally impact Māori, and assesses each option against Articles 1-3 of Te Tiriti.

Section 3: Delivering an option

How will the new arrangements be implemented?

47. Changes to section 589, 'Strikes in Schools to be Notified,' will be made through the proposed Education and Training Amendment Bill (No.2) and implemented through unions having to give notification in the required timeframe. The Bill is intended to be passed by the end of 2025 and members of the public will have the opportunity to provide further feedback on the proposals in this Bill, including the school strike notification proposal, during the Select Committee process, which is expected to be in the second quarter of 2025. Regardless of whether option 2 or 3 is chosen, steps to support implementation will be the same.

48. Schools and affected sector groups were informed of the initial consultation through the Ministry's internal communications, such as the school bulletin, Facebook, press releases, and other media. The Ministry also directly contacted unions and peak bodies to advise them of the upcoming consultation. The Ministry will continue to publicise developments through existing channels and follow up with direct communication to unions and schools to ensure that all affected groups are aware of the upcoming changes.

How will the new arrangements be monitored, evaluated, and reviewed?

Are there monitoring and evaluation provisions in place for the system as a whole?

49. School strikes and lockouts are monitored by the Ministry of Business, Innovation and Employment (MBIE). Employers are legally required to notify MBIE of any strikes or lockouts and must maintain a record using the 'Record of Strike or Lockout' form.

50. The Ministry receives strike notifications under delegation from the Public Service Commissioner and in accordance with the statutory obligations of the Education and Training Act 2020. The Ministry's Employment Relations team does not monitor strikes, but they do respond to them in coordination with Te Whakarōputanga Kaitiaki Kura o Aotearoa | New Zealand School Boards Association who support boards in their role as employers. The Ministry's response is tailored to the degree of sector disruption and wider context of ongoing collective bargaining negotiations.

What opportunities do parties have to raise concerns?

51. While unions and regulated groups typically do not raise concerns regarding strikes, parents, whānau, school leaders, boards, and the wider community can address their concerns directly with the Ministry through existing channels, including:

- Correspondence via direct contact with schools, Regional (Te Mahau) offices, Leadership Advisors, and through the Employment Relations and Government, Executive and Ministerial Services mailbox.
- Direct contact with the Secretary for Education or the Minister of Education.
- Concerns raised with schools which are passed on to the Ministry.

Is there a system issues log, or equivalent, to record and respond to issues as they arise?

52. There is no centralised system for tracking issues specifically related to school strike notifications. General concerns raised through existing channels (as outlined in paragraph 52) are acknowledged and referred to the appropriate internal groups.

53. Payroll returns, where schools report employees participating in strike action, can serve as a recording mechanism. However, there is currently no record of when the official strike notice is given in comparison to when the strike actually occurs.

How will/would the impact of the new arrangements be monitored?

54. The proposal does not intend to introduce new monitoring or evaluation mechanisms. Instead, the Ministry will rely on its existing forums with union bodies to address any issues or concerns. Any feedback on the new proposals will be integrated into these current systems and MBIE will continue to monitor all strikes.

55. The school strike notification proposal is intended to be included in the Education and Training Amendment Bill (No.2), which is expected to pass by the end of 2025 (subject to Cabinet agreement). The non-teaching specialist and support staff agreements expire in late 2024. The teaching and principal collective agreements expire on or before 2 July 2025, with the exception of the Kindergarten Teachers, Head Teachers, and Senior

Teachers' Collective Agreement, which expires on 4 April 2026.[18] Accordingly, this proposal is not anticipated to affect those processes due to the timing of the implementation of this proposal.

18 More information about collective agreements is available on the Ministry's website Collective agreements – Education in New Zealand.

Annex 1: Table of Strike Notification dates

Union	Notice Date	Strike Date	Days in-between notice date and strike	Strike Action
NZEI for primary school principals and teachers	Friday, 10 August 2018	Wednesday, 15 August 2018	5 days or 3 working days	Full strike
NZEI for primary Principals and teachers	Un-dated Friday, 9 November Sunday, 11 November Monday, 12 November 2018	12 November Tuesday, 13 November Thursday, 15 November Friday, 16 November 2018	4 days or 2 - 4 working days	Rolling full strikes
PPTA for secondary school teachers	Thursday, 30 May 2019	Tuesday, 4 June 2019 (year 9) 11 June (year 10) 25 June (year 11) 2 July 2019 (year 12)	6 days or 2 working days* Queens Birthday on 3 June	4 Rolling full day year level strikes However, 11 June was cancelled on 7 June.
NZEI PPTA for primary school teachers and principals, area schoolteachers, and secondary school teachers	Friday, 24 May 2019	Wednesday, 29 May 2019	5 days or 3 working days	Full Strike
NZEI for primary principals	Thursday, 4 July 2019	Monday, 8 July -16 August 2019	4 days or 2 working days	Partial- not working with the Ministry, providing info, providing roll returns, etc
NZEI and PPTA for primary school and area schoolteachers, secondary school teachers, and area school principals	Monday, 13 March 2023	Thursday, 16 March 2023	3 calendar / working days	One day strike
PPTA for secondary school and area school teachers	Friday 21 April 2023	Monday 24 April to Friday 30 June 2023	3 days or 1 working days	Partial strike action
NZEI and PPTA for primary school teachers, area schoolteachers, and secondary school teachers	3 days before each strike (on a Saturday)	9 to 11 May 2023	3 days or 1 working day	Rolling strikes

Annex 2: Te Tiriti o Waitangi / The Treaty of Waitangi Implications

	Article 1: Kāwanatanga	Article 2: Tino Rangatiratanga	Article 3: Ōritetanga
Interpretation	The Crown has the right to govern (kāwanatanga). Good governance must protect Māori interests and ensure equitable Māori engagement and/or leadership in priorities and decisions.	Provides Māori with tino rangatiratanga or absolute sovereignty over all their whenua, kāinga and taonga.	Promises to Māori the benefits of royal protection and full citizenship. This Article emphasises the rights of Māori to live as Māori in a manner consistent with whānau, hapū and/or iwi values and traditions.
Relevance to problem definition and all options presented in this paper	Genuine engagement with Māori representatives on any new requirement is critical to supporting Māori-Crown relationships and meeting our partnership responsibilities. This is explicitly referenced in section 4 of the Act. All options considered in this paper preserve the rights of Māori union members to strike, however all unions, including Māori union members, are required to abide by the provisions established in the Act. To enable the Crown to understand some of impacts of this proposal on Māori, Māori peak bodies were invited to participate in the consultation process, however no submissions were received.	A key element of Article 2 of Te Tiriti / The Treaty is to provide Māori with the ability to exercise sovereignty and autonomy over their whenua, kāinga, and taonga. Kaupapa Māori and Māori Medium schools will be required to operate under the regulatory and governance structures provided for in legislation. All options uphold the right to strike but they limit the agency and authority of kura and how they deal with school strikes in that they do not provide Māori union members with full/absolutely sovereignty over strike settings. Whānau Māori have raised that existing settings do not provide adequate time to arrange alternative care for their Tamariki to help mitigate the impact of strike action.	The options in this proposal will apply to all union members, including Māori union members equally. Government has an obligation to protect Māori students to ensure that they have equitable achievement rates in the education system. Schools, parents, and whānau have raised concerns that the existing 3 calendar day notification period does not provide enough time to make alternative care arrangements. Therefore, this option may have disproportionate impact for Māori who are overrepresented in low-income households.
Additional notable Te Tiriti impacts of Option 1: *Counterfactual (3 calendar days)*	**Limited** The settings for strike notification periods would be unchanged and the short notification period is likely to continue to impact Māori students, parents, caregivers and businesses who may have to organise alternative care on short notice.	**Limited** Option 1 specifically mandates a 3 calendar day notification period which limits Māori union member's ability to provide a formal notification before this specific 3 day period.	**Limited** *No further comment beyond what is set out above.*
Additional notable Te Tiriti impacts of Option 2: *Change the notice period to no less than 3 working days*	**Fair** Compared to the status quo, Option 2 allows a some more time for kura, parents, caregivers, and whānau to make alternative arrangements for student care, helping mitigate the impact of strike action on ākonga, while also preserving the right strike and the effectiveness of strike action.	**Limited** Option 2 requires unions to provide no less than 3 working days. This option increases the minimum notification period while also enabling unions to provide earlier notification if desired, this arguably increases potential expression of tino rangatiratanga in one way, while limiting it in another. Option 2 offers kura and whānau Māori greater agency by providing more time to make alternative arrangements. This may enable some kura to stay open (subject to the availability of relief teachers), and whānau Māori gain additional time to arrange supervision. This option offers a limited increase in autonomy compared to the status quo.	**Fair** The option provides for an increased notification period (no less than 3 working days), giving more time for learners and their whānau to make alternative arrangements that mitigate the potential impacts of strike action. Further, the option also aims to balance the interests of affected parties with those of striking groups by implementing a notice period that ensures that the efficacy of strike action is maintained.
Additional notable Te Tiriti impacts of Option 3: *Change the notice period to no less than 7 working days*	**Limited** This option would provide ākonga, kura, and whānau Māori with at least 7 calendar days to prepare for strike action, allowing more time to mitigate potential disruptions. While this extended notice period reflects the Crown's commitment the protection of Māori interests, it must be balanced against the interests of striking groups. In particular, the longer notice may lessen the impact of strike action for Māori kaiako and kura staff.	**Limited** Option 3 is likely to have the greatest impact on Māori union members' abilities to exercise tino rangatiratanga as it is requires the longest minimum notification period. This will likely limit union's abilities to strike in ways that best reflect their interests, as it may impact the urgency with which the strike is progressed. This option provides kura with the maximum time to make alternative care arrangements, enabling more time to organise care to remain open, and gives whānau Māori the greatest opportunity to organise alternative supervision. Overall, it offers the most significant increase in autonomy for ākonga, kura, and whānau Māori.	**Fair** This option provides for the longest notification period providing schools and kura with the greatest opportunity to prepare alternative arrangements, where possible, minimising disruption. While this provides substantial protection for students and other affected parties, the longer notification period is likely to reduce the impact of strikes, thereby diminishing their intended effectiveness. This could limit the ability of striking parties, including Māori union members to influence the education system in ways that best align with their needs and interests.
Additional notable Te Tiriti impacts of Option 4: *'no less than' 3 calendar day*	**Limited** While this option could lead to a longer notification period, offering potential benefits to ākonga and whānau Māori, it relies on unions voluntarily providing early notice. Notably, Māori peak bodies were not consulted during the development of this option as the option was provided directly by unions. However, public consultation and input from key stakeholders, including Māori peak bodies, would be sought during the Select Committee process, scheduled for the second quarter of 2025.	**Limited/Fair** This option offers more flexibility and discretion than the counterfactual by allowing unions to provide notice earlier than the 3 day minimum period. Ākonga, kura, and whānau Māori could potentially benefit from more time to organise alternative care for ākonga, depending on whether unions choose to provide notice earlier than the minimum required. While this is a possibility, officials consider that it does not provide sufficient certainty to affected parties as the benefits are entirely dependent on unions' discretion.	**Limited/Fair** This option allows unions the flexibility to issue formal notice either at the 3 day minimum or earlier, depending on their choice. The impact on Māori—particularly in terms of protecting students, parents, and whānau—will depend on whether unions opt to provide notice beyond the minimum period. The ranking of this option reflects the variability in its potential outcomes, which are contingent on unions' discretion.

Key: Each option is ranked based on the following criteria.	**Poor**	**Limited**	**Fair**	**Excellent**
	Little or no consideration of the article. **Little or no** evidence can be provided to answer questions. **Significantly more** consideration of the article **is needed.**	**Limited** consideration of the article. **Limited** evidence can be provided to answer questions. **More** consideration of the article **is needed**.	A **fair amount** of consideration of the article. **Sufficient** evidence can be provided to answer questions but **there are gaps.** **More could** be done to ensure consideration is excellent.	**In depth** consideration of the article. **Sufficient** evidence is provided to answer all questions with **no gaps.** **Still potential** for more development**.**