BusinessCentral

EMPLOYER BULLETIN

6 March 2023

A Weekly News Digest for Employers

EMPLOYER NEWS

Government keeping Kiwis' ACC costs low

The Government is topping up payments to non-contracted ACC providers to ensure the cost of treatment stays low, ACC Minister Peeni Henare announced last week.

"Like other businesses, the health professionals who treat injured New Zealanders have faced higher labour and other business costs over the past few years," Peeni Henare said.

"The Government is stepping in to make sure these costs aren't passed on to clients who seek ACC for their injuries.

"From April 1 some providers will get an increase of more than 9% to ensure they can cover operational costs without increasing the amount they charge clients. This will not impact ACC levies."

The increase will depend on provider type. For example, general practice and primary healthcare nurses who are delivering ACC treatment will see an increase of 7.85%. Counsellors and some other specified treatment providers are receiving an extra 9.36%

New Zealand Government [2 March 2023]

Strengthened protections and improved processes for partners of migrant workers

New changes to partner work rights, and an expansion of the Victims of Family Violence work visa, will strengthen protections and improve processes for partners of migrants who have come to New Zealand for work, Immigration Minister Michael Wood announced early last week.

From 31 May 2023 partners of most temporary migrant workers will be able to apply for a Partner of a Worker Work Visa with some conditions. This change will not affect partners with existing work visas.

"This approach will allow partners to apply for a work visa from offshore. They can work for any Accredited Employer, do not need to have a job or job offer to apply for the visa, and they will not need to engage with Immigration New Zealand if they change jobs" Michael Wood said.

"For employers, it means they will be able to keep recruiting partners in almost any role provided they meet the required payment thresholds – this is the median wage for most roles.

New Zealand Government [27 February 2023]

Better Work plan to strengthen tourism workforce

The Government is backing industry to build back a better, stronger and more resilient tourism sector, Tourism Minister Peeni Henare said last week.

"New Zealand continues to be one of the world's top tourism destinations, and with the borders open, international visitors are returning. We need to support our sector to rebuild a more resilient future that leaves people, communities, and the environment better off than before," Peeni Henare said.

"We all want tourism to be a good career option, and that starts by ensuring it is.

"The Better Work plan includes the establishment of a Tourism and Hospitality Accord. This will be a voluntary employer accreditation scheme that identifies those businesses in tourism and hospitality who are treating their staff well.

"There will be closer collaboration between industry and education providers, to ensure the right skills are being taught to fill the jobs the sector needs.

New Zealand Government [1 March 2023]

Employment indicators: January 2023

Key facts

Changes in the seasonally adjusted filled jobs for the January 2023 month (compared with the December 2022 month) were:

- all industries – up 0.8 percent (19,666 jobs) to 2.34 million filled jobs
- primary industries – up 0.2 percent (205 jobs)
- goods-producing industries – up 0.9 percent (3,975 jobs)
- service industries – up 0.7 percent (12,832 jobs).

Filled jobs changes for men and women

In January 2023 compared with January 2022, the number of filled jobs rose by 1.7 percent (19,279 jobs) for men and rose by 2.1 percent (23,055 jobs) for women.

Statistics New Zealand [28 February 2023]

The EMA Skills Shortage Survey 2023

The EMA, in partnership with Malcolm Pacific Immigration, is conducting its 2023 Skills Shortage Survey.

The purpose of this survey is to understand the challenges that businesses are facing in terms of finding and retaining employees, as well as their future intentions on how our members are looking to solve their skill and talent gaps. Your input will play a crucial role in shaping our policy positions and advocating for change on behalf of businesses. The survey is completely anonymous unless you choose to have the EMA or Malcolm Pacific Immigration reach out to you.

By participating, you'll be entered into the draw to win from a prize pool valued at over $5,000, including immigration advice from Malcolm Pacific Immigration, EMA People Experience Succession Management Bundles, E-Learning Licenses, and Prezzy® Cards.

The survey closes on Friday 10 March 2023 and can be found here.

Sustainability Survey and upcoming course in Wellington

Sustainability is one of the biggest commitments for businesses. Where are you on your sustainability journey? Share your thoughts by completing the BusinessNZ Network survey. Go to survey.

BusinessNZ Network is also excited to share its one-day course Introducing Sustainability held on 28 March 2023. The course will enable fellow businesses to connect and learn about the key elements of sustainability. Find out more HERE.

EMPLOYMENT RELATIONS AUTHORITY: FIVE CASES

Employee fails to establish constructive dismissal claim

From January 2020, Mr Porima worked for Loggertech NZ Limited (Loggertech) as a tree feller/skidder before giving notice to end his employment by a text message on 1 November 2020. Mr Porima worked for a few more days and then stopped coming to work altogether. Mr Porima alleged he suffered a personal grievance by constructive dismissal as a result of bullying, suffering a breach of confidentiality with colleagues, not having a written employment agreement; Loggertech failing to provide equipment or an allowance, unlawfully making deductions from Mr Porima's pay and annual leave entitlements, failing to pass a deduction to Work and Income New Zealand, not giving required rest breaks and rescinding use of the company vehicle without consultation.

Auckland etc Shop Employees etc IUOW v Woolworths (NZ Ltd) held that constructive dismissal includes, but is not limited to, cases where a breach of duty by the employer causes an employee to resign. The onus was on Mr Porima to establish that the breach by Loggertech induced a subsequently proffered resignation. Loggertech denied the claims and asserted it had no knowledge of any of these allegations until after Mr Porima had left. The Employment Relations Authority (the Authority) also noted that Mr Porima confirmed he had a new job when he resigned.

In relation to the claim of bullying, Mr Porima alleged that there were one-off comments made to him including being called "just another Māori" and "breeding em tough." He claimed he was called "a girl" after the employment ended. Mr Porima admitted that all the comments were uttered once, and therefore unlikely to constitute bullying which relates to ongoing and repetitive behaviour. He also did not challenge these comments when they were made and that there was an element of banter in the workplace which he too participated in. Therefore, the Authority found it difficult to conclude that these events constituted repudiatory conduct as the concept of constructive dismissal required.

Mr Porima claimed work breaks were not scheduled and were a self-regulating matter which left him not taking some breaks as he said he "didn't have time." Mr Porima never raised this as an issue to the employer and the Authority also found difficulty in seeing how there was a default by the employer.

Mr Porima also claimed he was not reimbursed for the safety equipment that he purchased. On the evidence, the Authority found that when Mr Porima told Mr Fellingham, Loggertech's sole director, he was going to buy some items of his own, he was advised he could do as he pleased.

Mr Porima also purchased a new helmet, earmuffs and a visor for which he did not seek reimbursement until after his resignation. Having considered this, the Authority concluded the safety equipment was purchased at his own expense as a result of his own decision.

With respect to the chainsaw maintenance, Mr Porima claimed Mr Fellingham agreed he would be paid $50 a day but Mr Fellingham claimed that he made a casual comment that the allowance would be "around $50 for a full day". Mr Porima was asked to provide evidence to support his claim to which he could only show a text message which mentioned there would be an allowance without specifying

the rate. He subsequently changed his claim stating that the rate was agreed at a meeting at Mr Fellingham's home after the texts. He then accepted that the rate discussed related to some casual work performed prior to the permanent employment offer.

Mr Porima also complained that he had use of a company vehicle unilaterally removed. The Authority found that Mr Porima's use of the vehicle was not contractual and began without Loggertech's knowledge or permission. Additionally, when asked to return the vehicle, he agreed without contesting and did not complain until after he resigned.

Mr Porima challenged the legality of the deductions from his wages, being $400 for road user charges for use of the company vehicle under personal use, $200 for overpayment, $200 for an advance on pay and $2,731.92 for leave in advance. While the employment agreement contained a general deductions clause authorising Loggertech to make deductions for any reason necessary, the Wages Protection Act 1983 makes it clear that deductions must be sufficiently specific and approved in writing by the employee. Here there was no such finding and Loggertech unlawfully deducted wages.

For those reasons, the Authority held that Mr Porima failed to establish that he was constructively dismissed by failing to establish each of the allegations he raised and admitted that none of the issues which he complained about were raised to Mr Fellingham during actual employment. However, he was successful with respect to claims regarding the unauthorised deductions from his pay and Loggertech was ordered to pay $3,513.92. Costs were reserved.

Porima v Loggertech NZ Limited [[2022] NZERA 489; 28/09/22; M Loftus]

Authority determines timelines for raising a personal grievance

Ms MacDonald was employed by Mr and Mrs English to work at their business, Glenside Kennels. She raised personal grievance claims of unjustified disadvantage and unfair dismissal against them. Ms MacDonald claimed her employers breached their duties of good faith towards her and contravened her contract by not providing a safe and healthy workplace. Mr and Mrs English argued Ms MacDonald did not raise her personal grievance claims withing 90 days, so the claims should be dismissed.

On 25 March 2020, following the nationwide COVID-19 lockdown announcement, Mrs MacDonald spoke to Mr English that since there were no dogs in the kennel, she would not need to come to work. Mr English told her that he would apply for the wage subsidy on her behalf and that she should come to work to do some maintenance on the property. Mrs MacDonald said she refused, as in her view that would not constitute an essential service. On 27 March 2020, Mr English provided Ms MacDonald a partial copy of her employment agreement. That same day Ms MacDonald agreed to walk around the kennels once a week, to check if everything was fine.

On 16 April 2020, Mr English sent Ms MacDonald an email stating that the COVID-19 pandemic and his deteriorating health had prompted them to close the business and they planned to give her one months' notice from the end of April 2020. On 20 April 2020, Ms MacDonald raised with Mr English her concern that her employment agreement did not contain a redundancy section. Her employment came to an end on 9 June 2020.

On 2 July 2020, Ms MacDonald met with Mr English again. Ms MacDonald claimed this conversation was when she raised her claim of unjustified dismissal. Ms MacDonald raised the prospect of redundancy compensation and Mr English stated that she was not eligible. This was the last conversation Ms MacDonald had with Mr English, as his health continued to worsen. Mrs English mentioned that on 8 August 2020 she knew that Ms MacDonald had unresolved concerns about her employment termination, but this did not amount to a personal grievance claim. She emailed Ms MacDonald on 13 August 2020 advising that Mr English's sister, Ms Michelle Peters will contact her to discuss the concerns on her behalf.

On 16 August 2020, Ms MacDonald received a phone call from Ms Peters. Ms Peters said the entire conversation took place on a without prejudice basis at her instigation, and nothing during the conversation could be admitted as evidence. Ms MacDonald disagreed, saying that she and Ms Peters agreed to a discussion in good faith.

The Employment Relations Authority (the Authority) considered whether and when Ms MacDonald raised her claims of unjustified disadvantage. The request to work in breach of the Level 4 lockdown occurred, by Ms MacDonald's account, on 25 March 2020. Ms MacDonald had 90 days to raise her grievance in respect of this matter. This meant by Tuesday 23 June 2020, Ms MacDonald should have raised this issue. Ms MacDonald did not directly state in her affidavit the date on which she says she raised her personal grievance of unjustifiable disadvantage and did not mention how this was done. The Authority found that Ms MacDonald did not raise the grievance in relation to being asked to attend work during the Level 4 lockdown within time. The Authority agreed with the submission that Ms MacDonald raised a personal grievance regarding what she claimed was the provision of an incorrect and incomplete employment agreement with Mr English on 2 July 2020. Ms MacDonald was first provided with a copy of her employment agreement on 27 March 2020. 90 days to raise any concerns around that agreement would have expired on 25 June 2020. Any concerns raised on 2 July 2020 were therefore already out of time.

A personal grievance can be raised orally or in writing. Ms MacDonald did raise a personal grievance for unjustifiable dismissal with Mr English in time, on 2 July 2020. In that conversation, she mentioned that she did not accept the rationale for her dismissal and was looking to explore options for casual work or a redundancy compensation payment. These actions by Ms MacDonald meet the obligations of the grievance process which requires that an employee takes "sufficient steps" to make the employer aware "that the employee contends a personal grievance that the employee wants the employer to" address. As this was the Authority's preliminary determination on whether the personal grievances were raised within time, no order for awards was made. Costs were reserved.

MacDonald v English [[2022] NZERA 502; 04/10/2022; C English]

Compensation awarded to employee who was held to be unjustifiably dismissed

Mr Collier was employed at MD Construction Limited (MD Construction) from November 2018 until 5 August 2020 when he was dismissed without notice. Mr Collier claimed his dismissal was unjustified and claimed lost wages and compensation. MD Construction said it carried out an investigation into Mr Collier's conduct and followed a fair process.

Following the nationwide COVID-19 lockdown in March 2020, Mr Collier was instructed to get the fuel card from Ms Lewis, an administrator, as he was going to be on-call. Ms Lewis claimed Mr Collier became frustrated while waiting for her to hand over the card. She described reaching for it in her wallet when Mr Collier reached out and twisted her ear.

Mr Collier was approached by Mr Nixon, the branch manager, about the incident. Mr Collier accepted his hand made contact with Ms Lewis' ear but said it was unintentional. He claimed he put his hand forward to receive the card from her and she moved slightly so his hand "flicked" her ear.

Nothing more was said to Mr Collier about Ms Lewis' complaint until he received a letter on 21 July 2020 inviting him to attend a disciplinary meeting, where the alleged assault of Ms Lewis would be discussed. Mr Collier was also aware that MD Construction had received a video of him which it described Mr Collier as portraying MD Construction in a bad light. This video was not provided to Mr Collier before the meeting took place.

On 30 July 2020, a disciplinary meeting was held. The video was played to Mr Collier, who claimed he did not know he was being videoed and that he was merely boasting in jest to a stranger about relaxed hours when asked for his boss' phone number by the unknown male who pulled up alongside him, whilst he was in his work van. He felt he had been set up because that conversation was secretly filmed and provided to MD Construction. On 5 August 2020, Mr Nixon wrote to Mr Collier confirming that dismissal was the final outcome.

The Employment Relations Authority (the Authority) was required to consider on an objective basis whether the actions of MD Construction, and how it acted, were what a fair and reasonable employer could have done in all the circumstances at the time of the dismissal.

A covert recording in and of itself is not unlawful in circumstances where one person consents to a private conversation between two people being recorded. The issue with MD Construction relying on the covert recording for the purposes of Mr Collier's employment investigation was that the origin of the recording was unknown and there was no other information about whether the conduct amounted to serious misconduct other than Mr Collier's explanation.

In relation to covert videos, the case of Ravnjak v Wellington International Airport Ltd states that where evidence is unlawfully obtained and there is a statutory prohibition on its use in civil proceedings, it cannot be adduced or relied on in Authority investigations.

The Authority then considered the allegation of assault. An intentional touching of another by definition is an assault and is capable of constituting serious misconduct in an employment context. One party said it was intentional and the other said it was accidental meaning there was a conflict in the evidence.

While Mr Nixon had an obligation to address Ms Lewis' concerns, he also had obligations to Mr Collier. The truth of a complaint should not be accepted automatically, and it must be tested in a fair way and a conclusion drawn reasonably before any action is taken.

The assault was raised with Mr Collier briefly at the time with no specific details, approximately four months before he received the letter in July 2020 that set it out as an allegation, asking him to respond. Mr Nixon said the lockdown had impacted on his ability to address the assault issue. The Authority was satisfied there was sufficient time to have addressed it prior to the video coming to light after the lockdown was lifted on 13 May 2020.

It was clear from the dismissal letter that MD Construction chose to believe Ms Lewis over Mr Collier, which it is entitled to do when there is a conflict in the evidence. However, no reasons or explanation were provided as to why it preferred Ms Lewis' account over Mr Collier's. The Authority held that a fair and reasonable employer would unlikely have reached the conclusion that there was sufficient information to form a firm view that Mr Collier had assaulted Ms Lewis in an intentional way.

The Authority determined that both allegations about Mr Collier's conduct were insufficiently investigated and Mr Collier's explanations were not given genuine consideration. Further, given the circumstances, a fair and reasonable employer could not have reached the conclusion that Mr Collier had committed serious misconduct. Mr Collier was successful in bringing his claim for an unjustified dismissal. The use of a covert video recording in the circumstances amounted to a breach of good faith by MD Construction.

The Authority awarded three months lost wages to Mr Collier. Mr Collier's evidence established that he was humiliated based on how he was treated in relation to the allegations against him leading to his dismissal. Mr Collier was awarded $22,000 in compensation for hurt and humiliation. Costs were reserved.

Collier v MD Construction Limited [[2022] NZERA 517; 10/10/2022; S Kennedy]

Heat of the moment arguments can be grounds for an unjustified dismissal

Mr Waitokia was employed as a car groomer for PE Ltd for just over two weeks, working under Mr Magbagbeola, when he was dismissed during a heated argument. After the dismissal, Mr Magbagbeola made no attempt to contact Mr Waitokia. A personal grievance was raised by Mr Waitokia in the Employment Relations Authority (the Authority) who claimed lost wages, compensation, a penalty for the lack of a written individual employment agreement, costs and the filing fee.

The Authority assessed whether Mr Magbagbeola's decision to dismiss was justified based on what a fair and reasonable employer could have done in all the circumstances at the time the dismissal occurred. The dismissal arose in the context of an informal discussion in the first week of employment when Mr Magbagbeola offered to pay Mr Waitokia per car groomed. When Mr Waitokia was paid for that week, he said the pay continued to be at the hourly rate. Both men disputed the commission rate, hampered by nothing written down in any agreement and a lack of time and wage records. Mr Waitokia wanted to clarify his pay rate, the provision of paid breaks and get a written employment agreement, none of which were unreasonable things for an employee to expect an employer to communicate about. Mr Magbagbeola dismissed Mr Waitokia's concerns and did not deny he told Mr Waitokia something to the likes of "bugger off" in the heat of the moment exchange. Mr Waitokia did not return to work after this argument.

The Authority noted that a reasonable way to deal with the fallout from telling an employee to leave work in the heat of an exchange could be to then contact them afterwards to try to repair the situation. This would be consistent with the duty of good faith. Mr Magbagbeola did not contact Mr Waitokia after telling him to leave the workplace. The Authority held this constituted a dismissal.

The Authority rejected Mr Magbagbeola's view that he had financial pressures, and the business was failing given that he had recently employed Mr Waitokia. The Authority also rejected his oral evidence that he raised issues concerning quality of work as a reason to dismiss as it had not been raised previously during employment. Therefore, the only view was that an argument erupted when there was a dispute about the terms of the employment which led to Mr Waitokia's dismissal in the heat of the moment, which then Mr Magbagbeola did nothing to later try to rectify. On that basis, the dismissal was not what a reasonable employer could have done in all the circumstances at the time of the dismissal and as such the dismissal was unjustified.

Mr Waitokia provided written evidence that he felt humiliated, frustrated, hurt and depressed. Though the dismissal was likely to have an adverse effect on Mr Waitokia's life, relationships and wellbeing, it was not totally caused by the unjustified dismissal. Accordingly, the Authority ordered $8,000.00 to be paid to Mr Waitokia in compensation.

For lost wages, the Authority was unable to calculate what his post-employment earnings were since there was no earnings recorded during or after the period of employment with Mr Magbagbeola. Mr Magbagbeola was ordered to pay Mr Waitokia $4,914 which was three months wages less ten per cent to take into account some likely form of earnings during that time.

In assessing the extent to which Mr Waitokia contributed to the situation that gave rise to his grievance, the Authority was not satisfied that a penalty should be awarded for absence of a written agreement. The Authority found that Mr Magbagbeola, although young and a first-time employer, had a tertiary qualification in structural engineering and was working towards a 'Project Management' qualification. It is likely that he had the ability to consider rules surrounding employment obligations for employers when setting up and running a business.

There was no evidence to support Mr Magbagbeola's financial situation other than his explanations. Therefore, the Authority could not reach a conclusion on Mr Magbagbeola's financial situation and did not order a penalty. Mr Waitokia received $2,250.00 as a contribution to costs incurred and a filing fee of $71.56.

Waitokia v PE Limited [[2022] NZERA 527; 12/10/22 A Baker]

Employee dismissed after posting a TikTok video

Ms Scott was employed as a Corrections Officer at the Department of Corrections (Corrections) from November 2016 to September 2020 when she was dismissed for serious misconduct after posting videos to the social media platform TikTok. Ms Scott claimed her dismissal was unjustified and claimed there was a disparity in relation to how she was treated. She sought compensation and costs. Corrections claimed Ms Scott's dismissal was justified.

In May 2020, Corrections received two calls from employees and an email from a member of the public about a Tik Tok video that Ms Scott had posted. The video depicted Ms Scott in her uniform holding up handcuffs and mouthing words “ima take your man if I want to” with the hashtags “#thoselooksthoug, #relaxgirlsitsmyjob, #happyinarelationship”. Text was inserted above the video with the words “When partners come to see the men”.

On 28 May 2020, the Acting Prison Director, Ms Aben met with Ms Scott and her representative to discuss the situation. Ms Scott was placed on special leave because Corrections believed there was a safety risk. She agreed to take the videos down. Throughout the process, Ms Scott accepted responsibility for making and posting the videos and agreed that the content was inappropriate. On 23 September 2020, after following a detailed investigation and disciplinary process, Ms Scott received a letter conveying the dismissal on notice.

The Employment Relations Authority (the Authority) assessed whether Ms Scott’s actions amounted to serious misconduct. Ms Scott submitted that the videos were light-hearted skits to relieve stress, but she accepted they were inappropriate. Even though the posts were no longer available, Corrections said it was Ms Scott’s actions in deciding to film and post the videos, including selecting the song with the particular lyrics, creating the skit and adding the text, that it focussed on.

The Authority concluded that it was reasonable for Corrections to interpret the videos in the way that it did, taking into account the consequences, including reputational damage, and found that Ms Scott’s conduct was capable of amounting to serious misconduct. The Authority noted that this may not have been the case had Ms Scott been employed elsewhere. Given her position and role with male prisoners in a custodial environment, it was not an unreasonable expectation that videos with sexually suggestive content, even if intended to be light-hearted, were not created by employees and made available to others.

Corrections were expected to have acted as a fair and reasonable employer throughout the process. Ms Scott said there were several reasons why the decision to dismiss was unreasonable. First, there were mitigating personal factors that were not given sufficient weight. Secondly, that the TikTok was not intended to be serious, rather it was a way to cope with stress. Thirdly, she raised that other employees were posting similar content on social media, and they had not been dismissed.

Ms Scott submitted that because of her personal circumstances, a fair and reasonable employer would have accepted her explanations. Corrections accepted that Ms Scott was under high levels of stress due to personal circumstances. Ms Aben spoke with a degree of empathy for Ms Scott’s difficult circumstances and experiences however, in the end, she reached the view that the level of seriousness meant that those circumstances could not mitigate her actions. The Authority did not find Ms Aben’s evidence to be that she discounted Ms Scott’s personal circumstances, rather that the nature of the posts reached a level of seriousness, caused immediate and longer-term safety risks to both Ms Scott, and others that meant there were no other options available other than dismissal. Ms Scott was employed to work solely with individuals and their whanau in a custodial environment. Because of the nature of the content, the various safety issues articulated by Ms Aben, and the potential to bring the employer into disrepute, the Authority reached the conclusion that in the context of Ms Scott’s employment, it was reasonable for Corrections to reach the conclusion that dismissal would be an option in this case.

Ms Scott also raised the issue around disparity as other employees TikTok posts were raised with Ms Aben but no formal action was ever taken. Ms Aben’s evidence was that when matters were raised with her, they were referred for investigation in the usual way. She explained some posts by other employees that were raised with her were not as serious, for example, a video showing a group of Corrections employees doing push ups to raise money for a cause. The Authority understood Ms Aben to be indicating that there was a degree of tolerance for material that was posted depicting an employee in uniform when the content was not otherwise of concern. Ms Aben gave evidence that any social media posts by employees that were of concern because they depicted sexualised or violent content with a connection to Corrections or were otherwise inappropriate, would be investigated in the same way Ms Scott’s posts were. The Authority concluded that there can be no issue of disparity given that Corrections is currently investigating other TikTok videos from employees.

The Authority found that despite Ms Scott's intention and commitment to the job of a Corrections Officer, she neglected to recognise the inappropriateness of posts she uploaded to TikTok. With the potential for reputational damage and the safety risks created by the content and nature of the posts, the Authority concluded that Corrections had acted as a fair and reasonable employer in all the circumstances. Ms Scott's claim that her dismissal was unjustified was unsuccessful. Costs were reserved.

Scott v Department of Corrections [[2022] NZERA 508; 06/10/2022; S Kennedy]

LEGISLATION

Note: Bills go through several stages before becoming an Act of Parliament: Introduction; First Reading; Referral to Select Committee; Select Committee Report, Consideration of Report; Committee Stage; Second Reading; Third Reading; and Royal Assent.

Three Bills are currently open for public submissions to select committee.

- Therapeutic Products Bill (5 March 2023)
- Declaration of inconsistency: Voting age in the Electoral Act 1993 and the Local Electoral Act 2001 (15 March 2023)
- Climate Change Response (Late Payment Penalties and Industrial Allocation) Amendment Bill (6 April 2023)

Overviews of bills-and advice on how to make a select committee submission-are available at: https://www.parliament.nz/en/pb/sc/make-a-submission/

The purpose of the Employer Bulletin is to provide and to promote best practice in employment relations.

If you would like to provide feedback about the Employer Bulletin,
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AdviceLine is your link to first-rate employment relations advice. Business Central understands the difficulties employers can have with managing employees, so supports you with dedicated employer advisors.

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Our training team provide you with practical training solutions across various employment topics to help upskill your staff, giving your business a competitive edge.

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Health and Safety and the well-being of your employees should be of paramount importance to any employer. To help you along the way, we have a friendly and knowledgeable Health and Safety Consultant.

EMPLOYMENT RELATIONS CONSULTANTS

Employment Relations can be a difficult area to navigate. When you need close guidance on employment matters, you can rely upon our seasoned ER Consultants to be there to help.

LEGAL

When employees test the waters with a personal grievance, Business Central Legal are here to help. We offer representation in all employment law matters.

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This service is 100% inclusive of your membership. There is no time limit to your call, and the team is available 8am–8pm Monday to Thursday and 8am–6pm Friday.

Our Employer Advisors are well trained and comprise a mixture of legal and business backgrounds. They understand your issues and can help advise you on legal requirements and best practices. They are backed up by a large resource base they can call on to support with you with written resources, guides, and templates.

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Health and Safety and the well-being of your employees should be of paramount importance to any employer. To help you along the way, we have a friendly and knowledgeable Health and Safety Consultant.

Adrienne has extensive experience with helping companies navigate Health and Safety requirements. She understands companies need to see sound return on investment for their well-being initiatives. Adrienne offers full support with compliance issues such as induction training and hazard identification and management. Additionally she can help with preparation for ACC 'Workplace Safety Management Practices'.

EMPLOYMENT RELATIONS CONSULTANTS

Employment Relations can be a difficult area to navigate. When you need close guidance on employment matters, you can rely upon our seasoned ER Consultants to be there to help.

Having someone equipped to help you do the work can take the stress out of a tricky situation.

Our Consultants have a wide range of experience and are prepared to help. Whether you need to update your agreements or policies, or embark on performance management, they have the experience to make a difference. There are so many areas they can help; it may be union issues and managing a difficult relationship or it could be confirming a restructuring selection matrix.

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Business Central Legal provides you best return on investment for legal advice on employment law matters. Our team of lawyers are only available to members, and can help solve your tricky issues.

While you may think of lawyers as representing people in court, this is far from everything they do. Employers take advantage of the value of the Business Central Legal team to help in drafting documents such as tailored employment agreements and offers of employment. Additionally they can help with key guidance on difficult issues as restructuring processes and rock solid performance management plans.