BusinessCentral

EMPLOYER BULLETIN

19 June 2023

A Weekly News Digest for Employers

EMPLOYER NEWS

Health and Safety law change to help keep workers safer

The Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Act has now passed into law. These changes increase workers' access to health and safety representatives, and health and safety committees.

Workers are best placed to identify how they want to be represented when it comes to workplace health and safety. International evidence shows that strong worker participation in health and safety systems play a fundamental role in reducing work-related harm.

These changes mean that:

- If a worker asks for a health and safety representative, the business must initiate an election. Previously, smaller businesses in sectors that were not prescribed high-risk could decline these requests.
- If a health and safety representative or 5 or more workers ask for a health and safety committee, the business must establish one. Previously, a business could refuse a request to establish a committee where the business is satisfied existing practices sufficiently meet the requirements.

The Act does not make health and safety representatives or committees mandatory for businesses. Businesses will only be required to initiate an election for representatives, or establish a committee where workers request them.

The previous law may have limited workers from being represented in the way they believe would best protect them against workplace risks, and with New Zealand's poor workplace health and safety record, we need to do everything we can to support people to feel safe at work.

Ministry of Business, Innovation and Employment [15 June 2023]

Significant guilty pleas in Whakaari case

WorkSafe New Zealand welcomes the guilty pleas from White Island Tours Limited today to charges laid under the Health and Safety at Work Act 2015, related to their tour operations at Whakaari.

Of the 22 people who died, 19 were customers of White Island Tours and two were employees.

At the time of the eruption there were three White Island Tours boats either at the island or returning from the island.

"WorkSafe charged White Island Tours in relation to its failure to conduct adequate risk assessments and implement controls to ensure risk of serious injury and death to tourists and workers was reduced," says Mr Parkes.

"White Island Tours has also acknowledged it failed to ensure tourists were fully informed of the hazards and risks associated with visiting Whakaari before taking them there."

There are now three parties which have pleaded guilty to health and safety failings related to trips to Whakaari.

White Island Tours Limited was charged under Section 36(1)(a), 36(2), 48(1) and (48)(2)(c) of the Health and Safety at Work Act 2015.

WorkSafe New Zealand [15 June 2023]

Digital Boost hits another milestone in supporting small businesses to become digitally enabled

The Digital Boost platform has hit another milestone with over 60,000 registered users, offering small kiwi businesses digital expertise at their fingertips.

The government-funded platform is run in partnership with the Ministry of Business, Innovation and Employment (MBIE) and the private sector to realise the Government's vision of achieving "the most digitally enabled small business sector in the world".

"Digital Boost is a game changer for many small businesses who cannot afford consultants, expensive software packages or training courses to become digitally present," says Malcolm Luey, Director of Innovation, MBIE.

"The platform has paved the way for small businesses to take control of their digital presence and not be intimidated by changing technologies to ultimately increase productivity, resilience, and sustainability in an ever-changing technological world.

"The value is clearly seen with over 23% of casual users and 39% of weekly users reporting improved revenue for their business by making use of the tools and skills learnt on the platform."

The Digital Boost platform boasts over 1,200 online training videos covering "how to's", real world success stories and question and answer sessions. It caters for varying degrees of tech proficiency from the novice to the intermediate user and allows users to check how they are doing with their digital presence through tools like Checkable.

Steve Ayers, founder of Appleby Games, credits Digital Boost for showing him how to set up his business and succeed. Applying his learnings from Digital Boost to the business he started 2 years ago, Steve estimates that he will be turning over about $1 million this financial year.

"The one thing that stood out for me with Digital Boost and that really drew me in, was that it was clearly made for people like me – grassroots Kiwis who have grafted a business from scratch," Ayers says.

Digital Boost is already exploring more videos and tools that can be added to the platform, and are committed to supporting small businesses on their digital capability journey till at least December 2024.

Ministry of Business, Innovation and Employment [15 June 2023]

Economy takes knock from Auckland floods and Cyclone

The economy is showing its resilience in the face of the second largest natural disaster to hit New Zealand, with GDP falling a fraction (0.1%) during the first three months of the year.

This result reflects the impact of the Auckland Anniversary floods and Cyclone Gabrielle, with estimates of hundreds of millions of dollars of lost production and activity across agriculture, forestry, fishing, transport and manufacturing due to the extensive flooding.

Ongoing strength in other parts of the economy helped mitigate the impact, with GDP being 2.9% higher than it was a year ago. Looking ahead, export growth, the tourism rebound, returning international students, migration inflows and investment in the recovery mean the economy is well-positioned to handle challenging times.

"The result was not a surprise. We know 2023 is a challenging year as global growth slows, inflation has stayed higher for longer and the impacts of North Island weather events continue to disrupt households and businesses," Finance Minister Grant Robertson said.

"New Zealand can handle these testing times and grow out the other side. Record numbers of people are in work, and wages are rising faster than inflation to help households with cost-of-living pressures. Tourists are returning in greater numbers, overseas workers are filling vacancies, and our public debt levels are among the lowest in the world. Our Budget in May also invests in skills, research and development and infrastructure to grow a more productive economy.

"Our focus is on how we can support growth in the economy. Just yesterday we announced that New Zealand's food and fibre sector is on track to set a new record high, with export earnings to hit $56.2 billion by 30 June 2023, 2.3 per cent higher than projected.

"The Government's export strategy and securing of new Free Trade Agreements is working, with forecasts predicting primary sector export growth to $62 billion by 2027.

"Tourism is also rebounding, with international visitors spending $3.2 billion in New Zealand in the first quarter of 2023, up from $1.8 billion in the December quarter and 600,000 visitors expected to arrive this winter.

"As a Government, we are targeting our support to where it is needed the most, including focussing on supporting recovery and rebuild work following the flooding. But we are balancing that with the need to take inflation pressure off the wider economy. Stats NZ reported today that central government consumption fell again in the March quarter, by 0.1%, following falls of 2.8% in December and 0.9% in September.

The Reserve Bank has indicated that interest rates have peaked and inflation is projected to fall, returning to the target range next year.

New Zealand Government [15 June 2023]

EMPLOYMENT RELATIONS AUTHORITY: FIVE CASES

Extension of trial period found to be a breach of employment legislation

Ms Finnigan worked for DogHQ 2020 Limited (DogHQ) as a dog supervisor from July 2021 until December 2021, when she was dismissed. Ms Finnigan raised a personal grievance for unjustified disadvantage on the basis DogHQ failed to advise her she had the right to seek independent advice about an extension to her trial period. She further claimed she was not prevented from bringing a personal grievance in respect of her dismissal as the trial period could not be extended under Employment Relations Act 2000 (the Act). Ms Finnigan sought compensation for hurt and humiliation, and reimbursement of lost wages.

DogHQ claimed the trial period was suspended during the 2021 lockdown period, and the Act should be interpreted in a way that reflected the extraordinary situation New Zealand employers faced during the COVID-19 pandemic.

DogHQ operates a dog day care centre. Mrs Snyman, a director of DogHQ, said Ms Finnigan would, at times, sit down in the dog yards she was supervising. She said as an absolute rule when two or more dogs are playing, the supervisor in the yard may not sit down as the situation can become unsafe. Mrs Snyman claimed Ms Finnigan should have known this from the centre's House and Yard Rules provided to her on her first day during induction. The rules were also posted in each yard.

Mrs Snyman said she also received complaints about Ms Finnigan being on her mobile phone in the yard. She claimed it was a rule that staff are not allowed to use their mobile phones while they are in the yard for the safety of the staff and the dogs.

Ms Finnigan said if she felt confident with the dogs in her care, she would allow herself five minutes to sit down. She believed this was fine provided all dogs were calm or sleeping.

Ms Finnigan also claimed she was given permission multiple times by Ms Inge Snyman, Mrs Snyman's daughter, who was in charge, to use her phone to take videos of dogs for DogHQ's social media accounts. However, she expressed she was also told by the facilities manager not to be on her phone while in the yard. Ms Finnigan felt it was unfair and was receiving mixed messages because Mrs Snyman and other staff members used their mobile phones while they were in the yards supervising.

On 17 August 2021, New Zealand entered a COVID-19 Alert Level 4 lockdown. DogHQ was unable to operate until mid-October 2021, so Ms Finnigan did not work.

During this time, Mrs Snyman sought legal advice from an online service called JustAnswer about extending Ms Finnigan's trial period. JustAnswer purports to offer legal advice around the world on employment matters and contracts. Mrs Snyman said she received advice she could extend the trial period for a full 90 days.

On 13 October 2021, Mrs Snyman emailed Ms Finnigan raising the extension of her trial period. Ms Finnigan responded by email nine minutes later saying "Yes that's completely fine!". Ms Finnigan clearly did not seek any advice on the extension of the trial period prior to agreeing to it.

Ms Snyman claimed because Ms Finnigan did not show sufficient improvement in her handling of the dogs during the extended trial period and continued to not follow "reasonable instructions", she decided to end the employment on 12 December 2021. She reasoned that, given Ms Finnigan was spoken to about her conduct in the yard "repeatedly", she should and could have foreseen that her employment was at risk. Ms Finnigan said she had no idea her employment was in jeopardy. She said nothing was ever brought to her attention about her not performing up to standard.

A few days after the dismissal Ms Finnigan raised a personal grievance for unjustified disadvantage and unjustified dismissal. DogHQ submitted the trial period was suspended by the lockdown, and it remained suspended throughout the lockdown period. Had Parliament intended to allow the extension of trial periods by agreement or a suspension of them due to an unforeseen interruption in employment, it could have made this clear in the Act. Further, it could have done so when specific provisions relating to COVID-19 were inserted into the Act. The Employment Relations Authority (the Authority) did not accept the trial period was suspended and could not be relied upon to dismiss Ms Finnigan.

The Authority considered on an objective basis whether the actions of DogHQ were what a fair and reasonable employer could have done in all the circumstances at the time of the alleged unjustified actions. The dismissal did not meet any of the requirements of the statutory test for a justified dismissal. Ms Finnigan established her personal grievance for unjustified dismissal. By asking Ms Finnigan about extending the trial period, DogHQ was bargaining for a variation to the existing employment agreement. As such, DogHQ was obliged to advise Ms Finnigan that she could seek independent advice, as per the requirements under the Act. DogHQ's failure to comply with the Act disadvantaged Ms Finnigan in her employment.

Ms Finnigan sought reimbursement of five weeks lost wages from the time of her dismissal until she found new employment. The Authority was satisfied Ms Finnigan was entitled to lost wages of $2,211.30. Ms Finnigan also gave evidence of the dismissal's impact on her confidence and health including the stress, grief, and embarrassment it caused her. The Authority was satisfied an award of $18,000 to compensate for the hurt and humiliation suffered was adequate. Costs were reserved.

Finnigan v DogHQ 2020 Limited [[2023] NZERA 67; 14/02/23; S Blick]

Authority determines whether a worker was a contractor or an employee

Mr Sigley claimed he was an employee for Metallic Sweeping Limited (MSL) but MSL claimed he was a contractor. MSL provides waste management services to the local authority including operating the transfer stations. Mr Sigley had worked at the Rai Valley Transfer Station as an attendant since 2015. While all other transfer station attendants in the district were MSL employees, MSL claimed it made a deliberate decision to engage Mr Sigley as a contractor due to the size, remoteness, and nature of the work at Rai Valley. Mr Sigley approached the Employment Relations Authority (the Authority) for a determination on whether he was a contractor or an employee.

During the relationship, Mr Sigley expressed dissatisfaction for not being paid public holidays. MSL said that the flat rate he received was adequate compensation for not receiving any employee benefits, any convenience involved in needing to staff the station and to keep it tidy outside of opening hours. The compensation was significantly more than the minimum wage that was paid to all other transfer station operators.

In determining the nature of the relationship between the parties, the Employment Relations Authority (the Authority) first considered the intention of the parties and found an obvious conflict. Mr Sigley said he was unaware of the distinction between a contractor and an employee and accepted the offer after only reading the first page of the agreement detailing the hours and wages. Despite MSL producing the employment agreement showing that Mr Sigley initialled the pages beyond the first page, the Authority found that it was likely that Mr Sigley was unaware of MSL's intention that he was a contractor as the agreement was unsigned and called a "waged individual employment agreement". Mr Sheldon's, MSL's contract manager, provided evidence about his level of knowledge and oral evidence that Mr Sigley did not read the agreement. The agreement only provided a flat rate and all employee entitlements such as annual leave, public holidays, sick leave and bereavement leave were struck out.

In assessing, the control and integration of the role, both parties agreed that minimal supervision was required. Mr Sigley would contact Mr Sheldon when the bins needed clearing and he kept a written report and delivered the money with the reported to Mr Shledon regularly. Mr Sheldon noted that he would go the extra mile with no fuss and dealt with local issues about the transfer station without any direction from Mr Sheldon. Mr Sigley used his own vehicle for some of the key tasks and regularly used it to take money and reports to Blenheim. An allowance was provided as compensation for fuel and to cover extra hours. There was a degree of control with the requirement to account for money, provide reports to Mr Sheldon and regularly visiting the Blenheim office. He did not fill timesheets, was paid the fixed amount regularly, did not provide invoices, had PAYE deducted from his earnings and was enrolled in Kiwisaver by his employer during the Authority investigation.

MSL claimed that they were obliged to make tax payments at source for the previous contractor as he did not have an exemption from withholding tax deductions, and this was the same rate at PAYE. MSL also claimed that Mr Sigley was enrolled into Kiwisaver due to an error in their payroll system which changed the settings for numerous employees which again supported the fact that he was an employee for tax purposes. It was noted that Mr Sigley had a payslip generated for the purposes of qualifying for a COVID-19 leave payment. Self-employed persons had to apply for the payment themselves. This indicated that Mr Sigley was treated like an employee.

Additionally, payments never changed even when Mr Sigley was sick as his partner would cover his position which was consistent with the practice of a contractor making arrangements to complete the work. On occasions where Mr Sigley's partner was unable to cover for him, MSL would provide cover. MSL argued that Mr Sigley had a greater ability to make a larger profit during winter as he performed less services for the same flat rate. The issue with that argument was that Mr Sigley had no flexibility as opening hours were fixed by the local council and the payments were to cover fuel initially and then increased hours over the busy period so essentially there was no profit.

The Authority determined that payments to Mr Sigley should have been much higher if he was genuinely a contractor because the rate of pay generally compensated for additional administration fees, lack of holiday and sick leave, insurance, ACC and tax levies and other costs associated with the operation of a business. Although the payments strongly indicated a contracting arrangement, other than that, there was no definitive evidence that Mr Sigley was operating a business on his own account. Ultimately, the real nature of the relationship and the operation in practice demonstrated an employment relationship therefore MSL was ordered to pay holiday and public holiday arrears and any Kiwisaver contributions that should have been made. Costs were reserved.

Sigley v Metallic Sweeping (1998) Ltd [[2023] NZERA 77; 20/02/23; S Kennedy]

Authority determines employee was not genuinely casual but a permanent part-time employee

Ms Rock was employed by DJ Investments 2019 Limited (DJ) in a small retail clothing shop from January to April 2021. Ms Rock claimed she was dismissed from her employment on 12 April 2021 for reasons that were unjustified. She claimed that she was not subject to a 90-day trial and that she was a permanent employee and not a casual as claimed by DJ in its defence to her claim of unjustified dismissal.

The Employment Relations Authority (the Authority) considered whether DJ was substantively justified to dismiss Ms Rock because the dismissal was within a 90-day trial period. Ms Rock said that on 12 April 2021, Ms Fane, the sole director of DJ, contacted her when she was off work sick and asked her to come into the shop. Ms Rock said she had not thought she was being called in about anything serious. However, Ms Fane told her that after meeting with head office she could no longer afford to employ Ms Rock. Conversely, Ms Rock said she was told that her employment had come to an end under a 90-day trial period.

The Authority accepted that it was likely that Ms Rock was told her dismissal was based on a 90-day trial period. It appeared that from a letter between the parties' representatives that DJ did not have an employment agreement in place before Ms Rock commenced employment. Therefore, the 90-day trial was not then referred to as a reason to justify ending the employment without cause, as trial periods are only valid if it is in the agreement and signed before employment commences. Accordingly, the Authority stated that DJ was not justified to end Ms Rock's employment without cause based on a 90-day trial period.

The Authority then considered whether Ms Rock was employed to work on a casual as-and-when-required basis as that formed DJ's defence that Ms Rock was not unjustifiably dismissed. The Authority said that to be satisfied DJ was justified in terminating Ms Rock's employment with immediate effect it would need to be satisfied she was working on an as and when required daily basis.

The Authority considered the pattern of hours and weeks worked for the whole period of Ms Rock's employment and found the pattern of employment was not consistent with an as-and-when-required daily basis. Instead, Ms Rock worked twelve consecutive weeks for over 20 hours each week with two exceptions where she worked 10.75 hours and 9.5 hours. The pattern was not consistent with the claim that she was working only when needed on a day-to-day basis. It had the regularity of part-time permanent work and not a genuine casual.

Ms Rock's evidence was that she was told by Ms Fane that DJ could not afford to keep her. The Authority claimed that if dismissing Ms Rock was a commercially economic decision then DJ should have followed a restructuring consultation process like what a fair and reasonable employer could have done. However, DJ did not undertake any sort of restructuring process and DJ did not provide any reasons to justify ending Ms Rock's employment. Accordingly, the Authority found that DJ was not justified in dismissing Ms Rock on the sole basis that it had no ongoing obligation to offer her work beyond the 12 April 2021. The Authority ordered DJ Investments 2019 Limited to pay Ms Rock $18,000 in compensation $18,112.50 gross in lost earnings, and $2,250.00 as a contribution to her costs.

Rock v DJ Investments 2019 Limited [[2023] NZERA 98; 2/03/2023; A Baker]

Authority determines termination of employment after raising illegality to employer was unreasonable

Mr Hylands was a registered nurse who began working for Drip IV New Zealand Limited (Drip IV) on 21 September 2021. After a promotion, Mr Hylands noticed processes that breached his professional nursing obligations. Shortly after notifying Drip IV, they terminated his employment on 14 April 2022. Mr Hylands claimed his dismissal was unjustified and retaliation to the issues he raised.

Drip IV operated a two-tier operation of local nurses and remote medical professionals The remote medical team prescribes vitamins to clients, which local nurses administer. Mr Hylands spent most of his employment in a managerial role including employee training, which informed him on the prescribing process.

In early April 2022, Mr Hylands noticed some products' naming did not match the clients receiving them. An Australian manager told him Drip IV filed a prescription for ten vials but only administered one, reallocating the others for different patients. Mr Hylands also noticed the same doctor signed off Australian and New Zealand prescriptions. Under New Zealand's Medicines Act 1981, nurses are obliged to administer medicines prescribed by those authorised, which only includes doctors based in New Zealand. These shortcuts risked Mr Hylands acting outside his scope of practice.

None of Drip IV's doctors turned out to be registered in New Zealand. On 11 April 2022, Mr Hylands emailed to ask who signed the New Zealand scripts. Drip IV's Director replied that it had New Zealand doctors, and its scripts were independently signed by a nurse prescriber. Nurse prescribers could only sign limited categories of prescriptions, so Mr Hylands pushed back claiming that prescriptions signed by anyone besides a New Zealand doctor were illegal for use in New Zealand, and he could not legally see clients due to the breach of his scope of practice and patient-client safety.

The next day, Mr Hylands lost access to his work app on his phone and his work email address was not functioning. Mr Hylands used other means to contact the Director and the Australian manager to reiterate his questions and ask about his work email. Neither replied to Mr Hylands. Instead, on 13 April 2022, the Director instructed Mr Hylands to stand down from all duties until further notice and that Drip IV would hold an internal meeting on "his behaviour". Mr Hylands questioned the substance of being stood down, why he had not been paid for two weeks, and to remedy the latter.

On 14 April 2022, the Director emailed Mr Hylands a letter terminating his employment. It referred to "the way in which he had conducted himself," "his behaviour" and not being "capable to fulfil the role". An attached document provided for payment of Mr Hylands' two weeks of wages and annual leave pay out upon signing it. It also resembled a record of settlement to bind him to non-disparagement and restraint of trade clauses. Mr Hylands did not sign the document. Throughout Mr Hylands employment, Drip IV deducted Kiwisaver contributions from his pay but did not contribute to his Kiwisaver account.

The Employment Relations Authority (the Authority) found that Drip IV's dismissal was not fair and reasonable, nor did it follow minimal procedural requirements. It did not investigate its allegations and its letter was not specific enough to have sufficiently raised its concerns. It did not give Mr Hylands an opportunity to respond during the meeting. Drip IV's own agreement also required fair process, good reason, and notice. Mr Hylands and the Authority concluded Drip IV dismissed him as retaliation for following his professional obligations, which was not justified. Drip IV unjustifiably dismissed Mr Hylands in both form and substance.

The Authority awarded Mr Hylands three weeks' remuneration minus a payment Drip IV made, resulting in $883.85. It also awarded unpaid holiday pay of $3,575.47 and Kiwisaver contributions of $1,542.76. It considered compensation for emotional harm to Mr Hylands. He suffered shock, sleeplessness and stress, especially on his mortgage, and the embarrassment of returning to a job he left. However, the harm was not ongoing because he swiftly recouped employment. The Authority could only consider Mr Hylands alone and not any impact on his family, aside from his stress from how to look after them. In consideration of these factors it set the award for emotional harm at $15,000. Finally, due to Mr Hyland's success and the speedy resolution of a hearing Drip IV did not participate in, the Authority awarded a proportionate amount of the daily tariff for costs of $2,000, plus the $71.56 filing fee as disbursement.

Hylands v Drip IV New Zealand Limited [[2023] NZERA 121; 9/03/2023; L Vincent]

Unresolved bullying complaint costs employer over $50,000

Ms McIntyre commenced her employment on 10 May 2021 as an administrative assistant at a workingman's club, referred to as 'NSW' due to a non-publication order. She claimed she was constructively dismissed following NSW's failure to adequately settle bullying claims, or alternatively that she was subjected to actions that unjustifiably disadvantaged her in her employment. Ms McIntyre sought reimbursement of lost wages for a period of about eight months until she obtained alternative employment and compensation of $50,000 for hurt and humiliation and costs.

As an administrative assistant, Ms McIntyre was employed to assist X and P, the general manager, and she shared an office with X. NSW was governed by an elected committee and the new committee came into governance on 1 November 2021. Ms McIntyre complained she was being bullied by X from the start of her employment. Following a failure to resolve it informally, an independent investigation was undertaken. The report, dated 3 August 2021, concluded that the way Ms McIntyre was treated by X amounted to bullying in accordance with Worksafe's definition. While the bullying allegation was substantiated, she was only advised on 26 September 2021, by the previous committee, that her compliant was upheld without being provided with a copy of the investigation report.

However, it appeared the Club took no further steps to address the behaviour. This resulted in the bullying behaviour continuing when the new committee was elected, causing Ms McIntyre to go on work-related stress sick leave until 12 November 2021. On 8 November 2021, Ms McIntyre sent a letter to P and the interim committee of NSW elected on 1 November 2021 advising that unless the situation was resolved satisfactorily before her return to work on 12 November, she would have no option but to resign from her position. On 15 November 2021, Ms McIntyre advised P and the interim committee that she wanted to tender her resignation effective immediately referring to a lack of contact from anyone from NSW except to drop off the investigation report.

In the Employment Relations Authority (the Authority) the onus was on Ms McIntyre to establish her resignation was a reasonably foreseeable response to NSW's conduct. The resignation letter indicated that she resigned because of the omission by NSW to address her concerns about the bullying behaviour by X, who despite the investigation, continued to intimidate and belittle her continuously throughout her employment. The Authority determined it was logical that she would leave the job after being subject to that kind of treatment in the employment.

The employment agreement stated that NSW would take reasonably practical steps to ensure Ms McIntyre's health and safety while in employment and that she would take reasonable steps to ensure her own safety. The breach of duty by NSW to provide a safe working environment was serious and not what a fair and reasonable employer could have done in the circumstances. Therefore, the resignation was reasonably foreseeable to NSW, if not earlier, certainly at the time of the letter of 8 November 2021, that Ms McIntyre would not be prepared to continue to work for the NSW under the same conditions. Therefore, she was determined to be unjustly constructively dismissed and entitled to remedies.

Confidence and anxiety issues stemming from the situation impeded on her ability to find alternative employment. Nevertheless, the wide range of jobs she applied for demonstrated she made adequate efforts to mitigate the loss of wages in the circumstances. She entered new employment on 25 July 2022, 36 weeks after the resignation. While the Authority usually took the lesser figure of actual lost wages or three months lost wages, they have discretion to order lost remuneration at a greater sum than either figure. Here, the Authority decided that had Ms McIntyre not resigned, she would have remained employed until 25 July 2022. Thus, lost wages of $26,465 for the period between the date of resignation and date of new employment was ordered.

The situation caused Ms McIntyre to develop anxiety, fear of failure, sleeping problems and loss of confidence. Her counsellor confirmed that she was taking sleeping pills and experiencing the long-term side effects of bullying. Her husband also confirmed that she was no longer an extrovert. $30,000 was ordered to reflect the harm caused to her without any deductions for not contributing to the situation. NSW was ordered to the costs pay in monthly instalments over six months as there was a level of financial uncertainty for NSW as confirmed by its accountants. The Authority also recommended that a policy on bullying and harassment be considered by NSW to prevent a similar situation arising again. Costs were reserved.

McIntyre v NSW [[2023] NZERA 136; 20/03/2023; H Doyle]

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.

There are currently three Bills open for public submissions to select committee.

Fuel Industry (Improving Fuel Resilience) Amendment Bill (20 June 2023)

Inquiry into seabed mining in New Zealand (23 June 2023)

Taxation (Annual Rates for 2023-24, Multinational Tax, and Remedial Matters) Bill (30 June 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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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'.

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

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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.

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.