

EMPLOYER BULLETIN

18 November 2024
A Weekly News Digest for Employers

EMPLOYER NEWS

Government exploring new energy source

Up to \$60 million will be ring-fenced from the Regional Infrastructure Fund to invest in exploring the potential of supercritical geothermal technology which could help secure New Zealand's future energy needs, say Regional Development Minister Shane Jones and Science, Innovation, and Technology Minister Judith Collins.

Having a secure and resilient energy supply is a priority for the Coalition Government and is critical to rebuilding the economy and giving businesses the confidence to invest.

Initially only \$5 million will be drawn down for work on the detailed design and cost to drill the first of three exploratory deep wells in the Taupō Volcanic Zone. The Crown will also engage with stakeholders, particularly local iwi and hapū, on opportunities for involvement.

"More use of geothermal energy would reduce emissions and reliance on fuels such as gas and coal, as New Zealand moves to more renewable energy over coming decades," Mr Jones says.

[To read further, please click here.](#)

Faster 110km/h speed limit accelerating Kāpiti

The new 110km/h speed limit on the Kāpiti Expressway Road of National Significance (RoNS) came into effect on 13 November 2024, more than two weeks earlier than expected, Transport Minister Simeon Brown says.

"Boosting economic growth and productivity is a priority for the Government. The new 110km/h speed limit will help to reduce travel times, increase efficiency, and get people and freight where they want to go quickly and safely.

"The NZ Transport Agency consulted with New Zealanders... with 93% of submitters supporting the proposed speed limit."

[To read further, please click here.](#)

Government launches refreshed Public Private Partnership framework

The Government has released a refreshed Public Private Partnership (PPP) framework that provides a blueprint to the market outlining how the government will approach future PPP transactions, say Infrastructure Minister Chris Bishop and Parliamentary Under-Secretary Simon Court.

“Refreshing New Zealand’s PPP model is an important part of our plan to deliver, maintain, fund, and finance infrastructure in smarter ways, and attract international capital and expertise to New Zealand projects,” Mr Bishop says.

“PPPs in New Zealand are not new. Eight PPP projects have been developed since 2011. The service delivery outcomes have been positive, in many cases outperforming similar projects delivered using other methods. Standardised or modular designs from PPP projects and asset management lessons have also begun to be implemented elsewhere.”

“Compared to traditional approaches, projects using a PPP model will have a greater focus on whole-of-life outcomes, meaning projects are more likely to be well planned, delivered on time and on budget, provide high-quality services, and be maintained throughout their lifespan,” Mr Court says.

“Creating new PPP opportunities will be important for attracting high-calibre international infrastructure expertise and capability to help deliver the significant pipeline of infrastructure projects we need to grow the economy and improve New Zealanders’ prosperity.

“The new PPP Framework sits alongside a suite of changes the Government is making to New Zealand’s infrastructure policy guidance and settings. The Government will soon publish documents updating New Zealand’s Funding and Financing Framework, Strategic Leasing guidance, and guidelines for Market-led (unsolicited) Proposals.”

To read further, please [click here](#).

Tax work programme focused on rebuilding the economy

Rebuilding the economy and improving fiscal sustainability is the key focus of the Government’s new Tax and Social Policy Work Programme for Inland Revenue, Revenue Minister Simon Watts says.

“The Tax and Social Policy Work Programme will rebuild the economy and improve fiscal sustainability by looking into a range of policy issues that will simplify tax, reduce compliance costs, and address integrity risks.”

“Policy focus will be working to find and remove the tax obligations which are obstacles to growth for businesses, for example by simplifying the tax rules for non-resident contractors,” Mr Watts says.

To read further, please [click here](#).

Net migration falls to under 50,000

New Zealand had a net migration gain of 44,900 in the September 2024 year, according to provisional estimates released by Stats NZ.

“Annual net migration gains have continued falling from the provisional peak of 136,300 in the October 2023 year,” international migration statistics manager Sarah Drake said.

“The fall in net migration reflects that arrivals are down, and departures are up.”

There were 177,900 migrant arrivals in the September 2024 year, which is still high by historical standards. This compared with a record 235,500 arrivals in the October 2023 year. Meanwhile there were a record 133,000 migrant departures compared with 99,300 in the October 2023 year.

A record 79,700 of New Zealand citizens left in migrant departures in the September 2024 year, which more than offset 24,900 migrant arrivals. It is estimated just over half of these migrant departures of New Zealand citizens went to Australia.

In comparison there was a provisional net migration gain of 99,600 non-New Zealand citizens in the September 2024 year. This was down from the peak of 177,200 in the October 2023 year, but still high by historical standards. Citizens of India, the Philippines, and China drove these gains. Migrant departures of non-New Zealand citizens rose to 53,300, up from 35,300 in the October 2023 year.

To read further, please [click here](#).

International travel: September 2024

International travel covers the number and characteristics of overseas visitors and New Zealand resident travellers (short-term movements) entering or leaving New Zealand.

Overseas visitor arrivals were 3.23 million in the September 2024 year, an increase of 463,000 from the September 2023 year. The biggest changes were in arrivals from China (up 140,000 to 246,000), Australia (up 73,000 to 1.33 million) and the United States (up 55,000 to 359,000).

Within the September month were 226,900 overseas visitor arrivals, an increase of 2,000 from September 2023. The total number of overseas visitor arrivals in September 2024 was 87% of the 261,800 in September 2019 (before the COVID-19 pandemic).

54% of visitor arrivals were from Australia and a combined 20% came from China, the United States, the United Kingdom and India. Only India out of these has been above pre-pandemic levels in most months over the last year.

New Zealand-resident traveller arrivals were 2.96 million in the September 2024 year, an increase of 480,000 from the September 2023 year. The biggest changes were in arrivals from Australia (1.2 million), China (143,000), Japan (70,000) and Indonesia (77,000). Of the 261,300 New Zealand-resident traveller arriving in the month of September 2024, 39% were from Australia.

To read further, please [click here](#).

Food prices fall in October 2024

Monthly food prices fell 0.9% in October 2024 compared with September 2024, according to figures released by Stats NZ.

The largest contributor to the fall was vegetables, down 7.2%. This was partly offset by a rise in fruit prices, up 0.6%. Overall, fruit and vegetable prices fell 4.1% in October 2024.

“Over the last two years, vegetable prices have fallen 14.2%, while fruit prices have risen by 8.0%,” prices and deflators spokesperson Nicola Growden said.

Food prices increased 1.2% in the 12 months to October 2024, same as the 12 months to September 2024. Higher prices for restaurant meals, ready-to-eat food and grocery food drove the annual increase in food prices. Specifically there were increases in lunch/brunch, takeaway coffees and takeaway meals.

Grocery food prices also rose, driven by higher prices for olive oil, butter, and standard 2L milk.

“A 500g block of butter now costs over one-third more than it did last year, with an average price of \$6.67,” Growden said.

“The price for a standard 2L bottle of milk increased around 9% over the same period, averaging \$4.21 a bottle.”

To read further, please [click here](#).

Pay Gap Calculator toolkit launched

New Zealand businesses can now take meaningful action to drive down the gender pay gap with the launch of an online calculator, Minister for Women Nicola Grigg says.

“Women are paid, on average, 8.2 per cent less than men and this gap has barely moved since 2017 - which is why reducing it is one of my key priorities as Minister for Women,” Ms Grigg says.

“The Gender Pay Gap Calculator toolkit is now live on the Ministry for Women’s website, making it easy for businesses to calculate – and then address – their pay gaps.

“There are significant benefits to understanding and addressing pay gaps, including increased productivity.

“It is my strong desire for this to be a continued partnership with business as we make further developments to the toolkit overtime, including considering ways to address ethnic pay gaps,” Ms Grigg says.

To read further, please [click here](#).

Largest ever number of graduate vets to boost rural productivity and support farmers

Thirty-five graduate vets will join rural communities this year through the Voluntary Bonding Scheme (VBS) for Veterinarians, marking the largest intake in the scheme’s history, Agriculture Minister Todd McClay, and Associate Agriculture Minister Andrew Hoggard, announced today.

“Supporting 35 new vets to work in 28 rural areas across New Zealand strengthens on-the-ground support for our hard-working farmers and producers,” Mr McClay says.

The scheme, awards each recipient \$55,000 over five years, in exchange for work focused on production animals and working dogs.

“Incentivising vets to practice in rural regions addresses the rural vet shortage while ensuring livestock health, which is critical to boosting primary sector productivity,” Mr Hoggard says.

“Upholding the highest standards of animal care is fundamental to our agriculture sector’s success and reputation. This programme ensures farmers have access to the best possible animal care.”

To read further, please [click here](#).

EMPLOYMENT COURT: ONE CASE

Overtime must be accounted for in leave calculations

Danske Møbler Limited (Danske Møbler) manufactured, imported and sold home furniture. Its factory employed skilled furniture makers, upholsterers, apprentices and factory hands (the Manufacturing Employees). The Manufacturing Employees were predominantly full-time employees on an hourly wage. On 10 January 2022, Danske Møbler was audited by the Labour Inspector and issued an Improvement Notice for failing to comply with the Holidays Act 2003 (the Act). Danske Møbler objected to the Improvement Notice in the Employment Court (the Court) and sought to have it rescinded.

At issue was the method by which the company calculated family violence leave, bereavement leave, alternative holidays, public holidays and sick leave ("FBAPS leave"). FBAPS leave is calculated according to either relevant daily pay (RDP) or average daily pay (ADP). RDP is the amount an employee would have earned on the day in question, usually with reference to their normal contracted hours. If it is not possible or practicable to determine an employee's RDP, or an employee's daily pay varies within the pay period when the FBAPS leave falls, then ADP is used instead.

The Labour Inspector had ordered Danske Møbler to review its wage and time records for all current and past Manufacturing Employees from 17 August 2024, to ensure they were paid FBAPS leave correctly. Danske Møbler was to then remedy any incorrect calculations by paying the arrears.

The Court had to determine whether Danske Møbler had been correctly calculating FBAPS leave for the Manufacturing Employees, and whether the Improvement Notice ought to be rescinded. The company paid the FBAPS leave at RDP, reflecting the eight hours a day the manufacturing employees were contracted to work in their employment agreements. However, certain employees worked overtime to varying frequencies. The amount of overtime differed day by day.

The Labour Inspector referred to case law where if an employee regularly worked overtime on the day in question, then that amount ought to have been taken into account as part of their RDP. If it could not be identified what hours the employee would have worked, then their ADP ought to have been calculated. It found Danske Møbler had failed to account for overtime payments when paying employees who took FBAPS leave.

Danske Møbler argued that its situation differed from case law. Where employees were required to work unrostered overtime, it was only agreed to for the day in question. By that logic, at the time employees took FBAPS leave, there was no agreement in or outside of their employment agreement that they would have worked overtime on that day.

The Court did not accept Danske Møbler's argument. It found that RDP and ADP were not limited to work that was contractually required. If it was uncertain how much an employee would have earned on the day of the FBAPS leave, employers were expected to rely on ADP at a minimum. For the Manufacturing Employees who sometimes or usually worked overtime, Danske Møbler ought to have relied on ADP to account for the overtime worked, rather than RDP. Danske Møbler could have alternatively agreed with the Manufacturing Employees on what their RDP was, but it would have to be the same amount or greater than either their RDP or ADP.

Ultimately, the Court decided to uphold the Improvement Notice. Costs were reserved.

Danske Møbler Limited v A Labour Inspector of the Ministry of Business, Innovation and Employment [[2024] NZEmpC 180; 20/09/24; Judge Holden]

EMPLOYMENT RELATIONS AUTHORITY: FOUR CASES

Employee was not bullied or constructively dismissed by discourteous conversation

Mr Littleton started working in sole-charge retail for Discount Tobacconist NZ Limited (Discount Tobacconist) in September 2021. He claimed he was disadvantaged and constructively dismissed due to a phone call Discount Tobacconist had about him.

Mr Littleton got the job at Discount Tobacconist through his mother, Ms Stewart, who was the store manager. His grandmother passed away on 4 June 2023, with her funeral taking place on 9 June 2023, a rostered working day for Mr Littleton. On 8 June 2023, Mr Littleton texted Mr Green, the company director, that he would be at work for his rostered shift after the funeral.

On 9 June 2023, Mr Littleton's girlfriend, Ms Archer, rang Mr Green around 11:30am (the Phone Call). She said Mr Littleton would not be coming into work for his afternoon shift, as he was upset after attending the funeral. Mr Green got angry at that update and in the conversation called Mr Littleton "unreliable". On June 10, 2023, Mr Littleton passed this onto Ms Stewart.

On 19 June 2023, shortly before his shift was due to start, Mr Littleton sent Discount Tobacconist an email. He requested a verbal and written apology for how he was treated and spoken about concerning his grandmother's funeral and bereavement leave. He requested an apology from Mr Green by Friday 23 June.

Ms Stewart broached the topic when Mr Littleton arrived at work that day. During the conversation, Mr Littleton became so upset that he began crying in the shop. He said he did not think he could keep working for Mr Green. He confirmed to Ms Stewart he wanted to quit. That evening, Ms Stewart called Mr Green to let him know Mr Littleton had resigned based on the Phone Call. Mr Littleton said Discount Tobacconist did not act in good faith towards him.

Mr Green only discovered Mr Littleton's email the next day on 20 June 2023. Mr Green told Mr Littleton he had no intention of upsetting him and was extremely sorry Mr Littleton was upset. He said he would sort out Mr Littleton's bereavement leave. Mr Green declined to accept Mr Littleton's resignation and asked for Mr Littleton to take the rest of the week off on full pay to reconsider. On 26 June, Mr Littleton responded to Mr Green's email saying his decision to resign still stood, because he was unfairly treated and felt like he has not been provided a safe work environment.

The Employment Relations Authority (the Authority) felt that while the tone and content of the Phone Call was discourteous and rude, it did not reach the threshold of being abusive or malicious. It was not persuaded that Mr Green's conduct in the phone call was evidence of bullying.

The Authority agreed that after learning from Ms Stewart that Mr Littleton was upset about the Phone Call, Mr Green did not contact Mr Littleton promptly. There was some confusion between Mr Green and Ms Stewart about whether Mr Green would call first. Mr Green's response to Mr Littleton indicated he took the matter seriously and he wanted to resolve the issues so Mr Littleton could remain working at Discount Tobacconist.

Mr Littleton also said he did not have a written employment agreement with Discount Tobacconist, but the Authority found this did not in any way contribute to Mr Littleton's resignation. The Authority concluded that Mr Littleton did not experience unjustified dismissal and unjustified disadvantage, so was not entitled to remedies. Discount Tobacconist did not breach its duty of good faith. For not providing Mr Littleton a written employment agreement, Discount Tobacconist Limited was ordered to pay \$250 to the Employment Relations Authority and \$250 to Mr Littleton. Costs were reserved.

Littleton v Discount Tobacconist NZ Limited [[2024] NZERA 473; 07/08/24; N Szeto]

Worker was employee rather than volunteer

Mr Yin responded to an advertisement placed by Ms Xu to agree to duties as a part-time chef in New Windsor 2017 Limited (New Windsor), from 7 January 2023. He raised a claim with the Employment Relations Authority (the Authority) alleging he was unjustifiably dismissed. He also sought wage arrears and compensation. Ms Xu denied Mr Yin was an employee and claimed he was a volunteer.

New Windsor operated a rest home in Auckland. Mr Yin agreed to work two days a week. Although there was no employment agreement, his understanding was that this role was of a permanent, part-time nature. Upon his start, Mr Yin noticed that he was only being paid \$20 per hour, which was below the minimum wage at the time of \$21.20. He raised this with Ms Xu by text conversation on 2 February 2023. Ms Xu said that if he returned to the premises, he would be trespassed.

The first matter was to clarify Mr Yin's employment status. Ms Xu's stance was contradictory – while she claimed that Mr Yin was a volunteer, she also claimed he refused to provide an IRD number, bank details and complete an employment agreement. She further argued that making her payments in cash indicated the relationship was not of employment. Her arguments were not successful.

The Income Tax Act 2007 sets out that a person can be undertaking a voluntary activity and receive payments to cover actual expenses they incurred. Ms Xu argued this element, but Mr Yin did not incur personal expenses for the ingredients and cooking facilities. The payments she made to Mr Yin were not for expenses.

The Authority found ample evidence to indicate Mr Yin was integrated into the business and under the control of Ms Xu. Mr Yin worked as part of the New Windsor staff. He worked in the New Windsor kitchen preparing food for the residents. Ms Xu provided the ingredients for the daily meal and instructions, from time to time, on how Mr Yin was to cook it. The Authority determined that Mr Yin was an employee and not a volunteer when working for Ms Xu.

The Authority then needed to determine whether Ms Xu or New Windsor was his employer. The Authority considered this was a case in which the doctrine of “undisclosed principal” might apply. That is where a person, having authority to contract on behalf of another, makes the contract in their own name. This allows an applicant in court to choose whether or not to proceed against that person personally, notwithstanding that they were only acting as an agent for another. In this case, Ms Xu had the authority to contract on behalf of New Windsor.

The Authority found it reasonable that Mr Yin believed Ms Xu to have been his employer. Their interactions covered all the contractual elements of offer, acceptance, certainty of terms, intention to create legal relations and consideration. Therefore, the parties had intended to create an employment relationship between them. Through the doctrine of undisclosed principal, Mr Yin was entitled to proceed with his case against Ms Xu personally.

On the matter of the unjustified dismissal, the Authority found no substantive justification for Mr Yin's employment being terminated. No formal disciplinary process had been entered into with Mr Yin. Neither was there any basis for the dismissal other than his asking to receive payment at the statutory minimum hourly rate.

The Authority found no evidence that Ms Xu followed any process with Mr Yin. Ms Xu told Mr Yin he could not attend his place of work, and therefore implied there was no ongoing employment for him. Mr Yin's claim of unjustified dismissal succeeded and he was entitled to remedies. Ms Xu was ordered to pay Mr Yin \$76.80 for the wage arrears, \$700 as compensation for his hurt and humiliation, the Authority filing fee of \$71.56, and \$2,250 towards his legal costs.

Yin v Xu [[2024] NZERA 507; 26/08/24; E Robinson]

Interim injunction halts employer's disciplinary process

Mr Strauss was employed by Fire and Emergency New Zealand (FENZ) as a senior firefighter in the Christchurch Brigade. While still employed, he applied to the Employment Relations Authority (the Authority) seeking a special kind of interim injunction. It could prevent his employer from proceeding with a disciplinary process he was subject to at the time. The Authority noted such injunctions were rarely given.

In deciding whether to grant an interim injunction, the Authority had to determine whether the applicant's claim was a serious question to be tried. It also considered whether both the balance of convenience and the overall justice of the case lay in the applicant's favour, up until the matter was finally determined.

Mr Strauss was employed under a collective agreement. That agreement provided for a "Mess Allowance" paid by FENZ, which supplied funds for all Brigades to purchase tea, coffee, sugar, milk and biscuits, or pay the wages for a cook. It was allocated to fire stations throughout New Zealand and each purchased communal goods as per the collective agreement. Whatever amount remained was usually distributed to Watches within each station. It was also common practice for firefighters to add their own money to the shared mess allowance pool to buy food and cook meals together. The Christchurch Brigade was made up of seven stations. Mr Strauss belonged to Wigram Station, which was made up of four Watches. Mr Strauss belonged to Blue Watch.

Mr Strauss decided to open a personal bank account for the Wigram Blue Watch mess allowance pool. His colleagues contributed payments to the account regularly. All Wigram Blue Watch members made use of the pooled funds, usually to buy food. From 13 November 2023, Mr Strauss took leave with the conclusion that he would not return to Wigram Blue Watch. From the time he began his leave, no one was able to access the account.

Eventually, the senior officer at Wigram Station contacted the credit union and asked to have someone else, referred to as IEZ, take the account over from Mr Strauss. IEZ first reached out to the credit union and asked to have the account transferred to him directly. The credit union allowed him to do so with Mr Strauss's consent.

IEZ then reached out to Mr Strauss. They had discussed the situation with colleagues, who agreed to return the mess allowance pool to existing Wigram Blue Watch members, by transferring the money from his account into a new account. At that time, Wigram Blue Watch had no reason to access Mr Strauss's old account, as all the money had been transferred to the new account. However, IEZ ultimately gained ownership over the old account. On 17 January 2024, the senior officer at Wigram Station and IEZ reviewed the account's transaction history and noticed discrepancies. That was when FENZ decided to formally investigate Mr Strauss's use of the account. On 26 February 2024, FENZ began a disciplinary process alleging Mr Strauss had accessed money from the mess allowance pool for personal use and in a manner it was not intended for – a matter it considered serious misconduct.

On 19 July 2024, Mr Strauss applied to the Authority seeking an injunction to halt the disciplinary process. He claimed FENZ had acted unlawfully when it sought to gain access to the account, and therefore had no grounds to take disciplinary action regarding its transactions. He did not seek an indefinite injunction preventing FENZ from ever proceeding with disciplinary action. Rather, he sought to establish that FENZ had no grounds to take disciplinary action at all. By the terms of the collective agreement, it had no right to review the account's transaction history or question how he used the mess allowance pool. FENZ disagreed and argued the collective agreement gave it the right to do both. This dispute was neither frivolous nor vexatious. The Authority concluded it was a serious question to be tried.

The Authority ultimately decided the balance of convenience and the overall justice of the case favoured Mr Strauss, and so granted the interim injunction halting the disciplinary process against him. The main factor was that properly interpreting the collective agreement clause on mess allowance would benefit all firefighters throughout the country.

The Authority noted that as a general principle, it should not be allowed to intervene when an employer desires to take disciplinary action against an employee by granting injunctions. In this specific case, the issue went beyond whether FENZ was justified in taking disciplinary action. Rather, it concerned

whether FENZ acted lawfully by relying on an interpretation of the collective agreement, which was being legitimately contested. Costs were reserved.

Strauss v Fire and Emergency New Zealand [[2024] NZERA 554; 16/09/24; P van Keulen]

Employers must provide sufficient information during restructuring

Mr Ahluwalia was employed by the New Zealand Anti-Vivisection Society (NZAVS) as a part-time campaigns manager. NZAVS was a well-established charity that worked to end animal experimentation and the harmful use of animals for science. His employment was terminated on 23 May 2023 following a restructuring process that resulted in his position being made redundant. On 30 August 2023, Mr Ahluwalia applied to the Employment Relations Authority (the Authority) and claimed he had been unjustifiably dismissed due to a flawed redundancy process.

At the end of 2020, NZAVS became aware that the company was running at a deficit that could not be sustained. It was suggested that staffing costs be reduced as a way to address the problem. Rather than explain the deficit issue to staff (of which there were only five, including Mr Ahluwalia) and ask them for ideas, Mr Ahluwalia's role was identified as one which could be absorbed into a different role.

A redundancy arises where a specific position is superfluous to the needs of the employer's business. It is the position – an abstract concept established by the business – and not the person, that is made redundant. Under the Employment Relations Act 2000, employers must have substantive justification to terminate employment. An employer is only entitled to justifiably end an employment relationship by redundancy if it had valid and demonstrable commercial reasons to do so. In other words, the decision to make an employee redundant must be genuine. That means the decision must be based on business requirements and not used as a pretext for dismissing an employee for ulterior motives.

The Authority noted that assessing whether a redundancy was genuine was often a subjective exercise. In this case, it was especially difficult considering the size and purpose of NZAVS, and the fact it was not driven by normal commercial imperatives.

First, the Authority was satisfied that NZAVS was in a difficult financial position. Staffing overheads were indeed an ongoing expense which could be managed by restructuring. However, it was not satisfied that NZAVS had seriously considered genuine alternatives to making Mr Ahluwalia's role redundant. Considering the relatively small number of employees, the company ought to have considered other cost-saving measures by inviting ideas from all staff, rather than focusing on Mr Ahluwalia's role specifically in the first instance.

More importantly, the Authority found there was a significant procedural flaw in the restructuring process. Employers must act in good faith when making a position redundant. That means they must provide information to affected employees, which supports the reason for the redundancy, as well as details around how it will be implemented. Further, employees must also be provided with the opportunity to comment on a redundancy proposal before the decision is finalised.

NZAVS was obliged to provide sufficient economic information to explain the rationale behind the need to save costs. Even if such economic information was confidential in nature, considering the size of the organisation and Mr Ahluwalia's relatively senior position, the Authority did not feel there was any risk in disclosing such information to him. NZAVS could have also sought an undertaking to bind Mr Ahluwalia to confidentiality upon sharing such information with him.

The Authority ultimately decided Mr Ahluwalia had been unjustifiably dismissed. It ordered NZAVS to pay him \$14,414.40 for six months' lost wages. Mr Ahluwalia was also paid \$16,000 as compensation for hurt and humiliation. Costs were reserved.

Ahluwalia v The New Zealand Anti-Vivisection Society Incorporated [[2024] NZERA 562; 19/09/24; D Beck]

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.

Bills open for submissions to select committee: Nine Bills

[Budapest Convention and Related Matters Legislation Amendment Bill](#) (28 November 2024)

[Statutes Amendment Bill](#) (4 December 2024)

[Child Protection \(Child Sex Offender Government Agency Registration\) Amendment Bill](#) (6 December 2024)

[Oversight of Oranga Tamariki System Legislation Amendment Bill](#) (8 December 2024)

[Responding to Abuse in Care Legislation Amendment Bill](#) (11 December 2024)

[Evidence \(Giving Evidence of Family Violence\) Amendment Bill](#) (19 December 2024)

[Policing \(Police Vetting\) Amendment Bill](#) (19 December 2024)

[Mental Health Bill](#) (20 December 2024)

[Employment Relations \(Employee Remuneration Disclosure\) Amendment Bill](#) (23 January 2025)

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/>

[CLICK HERE](#)

**A QUICK GUIDE TO
HOLIDAY PAY PRACTICES
IN NEW ZEALAND**



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, contact: comms@businesscentral.org.nz or for further information, call the AdviceLine on 0800 800 362



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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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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.

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.

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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.

Whether it be best practice processes under the Employment Relations Act and the Health and Safety at Work Act, leadership training or personal development, the Business Central training team are dedicated to facilitating your business's professional learning.

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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.

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.



A QUICK GUIDE TO HOLIDAY PAY PRACTICES IN NEW ZEALAND



CHRISTMAS AND NEW YEAR PUBLIC HOLIDAYS 2024/2025

Christmas Day Wednesday 25 December 2024

Boxing Day Thursday 26 December 2024

New Year's Day Wednesday 1 January 2025

2 January Thursday 2 January 2025

PUBLIC HOLIDAYS

All employees for whom the day would otherwise be a working day and do not work on that day, will be entitled to a paid public holiday not worked.

All employees for whom the day would otherwise be a working day and do work on that day, will be entitled to at least time and a half for the hours worked on that day and an alternative holiday.

Employers therefore need to consider whether the day on which the public holiday falls is otherwise a working day for each employee in order to determine public holiday entitlements. The otherwise working day test applies to all employees regardless of whether they are permanent, fixed term or casual employees, or have just commenced employment.

OTHERWISE WORKING DAY

In most situations it will be clear whether the day on which the public holiday falls would otherwise be a working day for an employee.

However, if it is not clear an employer and employee should consider the following factors with a view to reaching an agreement on the matter.

- The employee's employment agreement;
- The employee's work patterns;
- Any other relevant factors, including:
 - whether the employee works for the employer only when work is available;
 - the employer's rosters or other similar systems;
 - the reasonable expectations of the employer and the employee that the employee would work on the day concerned;
- Whether, but for the day being a public holiday, the employee would have worked on the day concerned.

CHRISTMAS/NEW YEAR CLOSEDOWN AND PUBLIC HOLIDAYS

If a public holiday falls during a closedown period, the factors listed above, in relation to what would otherwise be a working day, must be considered as if the closedown were not in effect. This means employees may be entitled to be paid public holidays during a closedown period.

ANNUAL HOLIDAYS, PUBLIC HOLIDAYS, TERMINATION OF EMPLOYMENT

A public holiday that occurs during an employee's annual holidays is treated as a public holiday and not an annual holiday.

An employee who has an entitlement to annual holidays at the time that their employment ends will be entitled to be paid for a public holiday if the holiday would have:

- Otherwise been a working day for the employee; and
- Occurred during the employee's annual holidays had they taken their remaining holidays entitlement immediately after the date on which their employment came to an end.

When applying the provision, you are only required to count the annual holidays entitlement an employee has when their employment ends (not accrued annual holidays). Employees become entitled to 4 weeks annual holidays at the end of each completed 12 months continuous employment.

PUBLIC HOLIDAY TRANSFER

The Holidays Act 2003 allows an employer and employee to agree in writing to transfer a public holiday to any 24-hour period.

This means, with agreement, a public holiday may be transferred:

- By a few hours to match shift arrangements; or
- To a completely different day

In the absence of a written agreement, a public holiday is observed midnight to midnight.

Please note that this guide is not comprehensive. It should not be used as a substitute for professional advice. For specific assistance and enquiries, please contact AdviceLine.