BusinessCentral

EMPLOYER BULLETIN

14 April 2025
A Weekly News Digest for Employers

EMPLOYER NEWS

Government delivers breakthrough week for building

Significant action by the Government last week will make building in New Zealand easier by unclogging the consenting system, reducing construction costs, and giving tradies the support they need to get on with the job, Building and Construction Minister Chris Penk says.

“Tradies are bogged down in paperwork instead of doing what they do best. Building materials cost too much, and securing land for roads, housing developments, and hospitals takes far too long.

“Kiwis are fed up - and rightly so. We’ve listened to frustrated builders, first-home buyers, and families calling out for concrete change, and we’re acting.

“This week, we announced the final stage of reforms to the Public Works Act to make the process of purchasing land for much-needed public projects clearer, faster and fairer.

“Negotiations sometimes take years. We’re putting incentive payments of up to $100,000 on the table for landowners who agree to sell early. That means fewer drawn-out legal battles and costly delays.

“We’re also stripping back needless red tape in the consenting system and taking our granny flat proposal further - lifting the maximum permitted size of granny flats that can be built without consent from 60 to 70 square metres, so more families can build without jumping through hoops.

“These changes are expected to see 13,000 more granny flats built over the next decade - giving families more affordable, flexible housing options.

“We’re also backing our skilled builders by cracking down on the cowboys. Stronger disciplinary powers, new waterproofing licences for wet area bathrooms, and a better complaints process will lift trust in the industry and help protect Kiwis’ biggest investment - their homes.”

To read further, please click here.

Q2 plan continues relentless focus on growth

The Government has announced a further 38 actions it intends to take in the three months ahead to grow the economy and make life better for Kiwis, Prime Minister Christopher Luxon says.

"There are positive signs of the economic turnaround this Government was elected to deliver, and our latest quarterly plan lays out more of the actions we will take to rebuild the economy, reduce the cost of living, and make Kiwis better off.

"We know the cost of living is still tough but with GDP rising, interest rates falling, and inflation back in its box, our plan is working, and we must push ahead on going for economic growth.

"This quarter, we will introduce legislation to encourage international investment into this country and to ratify the New Zealand-UAE trade deal. Both are hugely important to helping our businesses grow, creating more jobs, and lifting incomes.

"We will also take action to boost tourism and international education and push ahead on our 30-year National Infrastructure Plan to attract investment and give our construction sector long-term certainty.

"A bigger economy means more jobs, higher incomes, and more money in people's back pockets. It also means we can afford the health and education services Kiwis deserve.

"Growth doesn't just miraculously happen. That's why I make no excuse for keeping the public service focused on delivery with these quarterly action plans.

To read further, please click here.

Cutting red tape at the start of employment

Workplace Relations and Safety Minister Brooke van Velden says changes are coming to support freedom of choice and reduce the burden on employers when new employees start in a role.

The Government has agreed to repeal the changes made by the previous government by removing the 30-day rule and reducing related employer obligations.

"Currently, if a collective agreement is in place the employee's individual agreement must reflect the terms of the collective agreement and that applies for 30 days regardless of whether an employee chooses to join a union or not," says Ms Van Velden.

"Not only is the status quo convoluted and confusing, the process adds another administrative cost on top of many others, and those costs are dragging down workplace productivity.

"If a new employee chooses to negotiate the terms and conditions that suit their personal preferences or situation, they should have that choice realised from day one of employment."

Removing the 30-day rule means employees and employers are free to agree on a wider range of employment terms including those that differ from the collective employment agreement for the first 30 days.

A further benefit of these changes is that 90-day trials can be made available from the start of employment if the employee chooses an individual employment agreement.

"Expanding the availability of 90-day trials was an ACT-National coalition commitment and supports workers that may struggle to gain employment and also give employers greater confidence around hiring," says Ms van Velden.

To read further, please click here.

OCR reduction affirms spending discipline

The reduction in the Official Cash Rate (OCR) affirms the work done by the Government to bring public spending back under control, Finance Minister Nicola Willis says.

The Reserve Bank today reduced the OCR by 25 basis points, meaning the rate has come down 200 basis points since August last year.

"That is good news for households because it means lower mortgage rates and more money in people's pockets to help with the cost of living," Nicola Willis says.

"For example, for someone with a $500,000 mortgage over 25 years, a two-percentage point drop in their interest rate reduces their repayments by about $300 a fortnight.

"The fall in the OCR is also good news for businesses because it means more money flowing through their tills.

"The Government knows many families and businesses are still doing it tough but our focus on stopping wasteful spending has made a difference.

"When the Government is disciplined with its spending, it takes the heat out of inflation and gives the Reserve Bank more room to reduce interest rates.

To read further, please click here.

Household labour force survey estimated working-age population: March 2025 quarter

The household labour force survey estimated working-age population table shows the population benchmarks used to produce household labour force survey estimates for the upcoming labour market statistics release.

To read further, please click here.

Christchurch restaurant director sentenced after Immigration New Zealand investigation

Xinchen Liu, sole director and shareholder of Japanese eatery Samurai Bowl Ltd, has been given 6 months' home detention and fined NZD $10,000.

Immigration investigators found Liu knowingly supplied false or misleading information to immigration officers when they visited her restaurant in May 2021, says Jason Perry, National Manager Investigations.

Liu told them a migrant at the premises was not working for her. However, other immigration officers were at her Papanui restaurant where they found the individual working as a chef. The workers had been rostered to work every day that week on a roster Liu supplied.

Liu then told the immigration officer that the migrant had a visa and could work for her company when she knew that was not true. Liu also claimed the migrant was volunteering for 20 hours a week, when they were employed as a chef and had been rostered on to work between 37 and 78 hours per week for the previous 50 weeks.

To read further, please click here.

EMPLOYMENT RELATIONS AUTHORITY: FIVE CASES

Termination justified following employee's arrest

Mr Stowers was employed as a quarry operator with A B Lime Ltd (A B Lime) from July 2014. In April 2023, he was arrested and detained for an incident unrelated to his work. He was held in custody for nearly five weeks, unable to attend work. Mr Stowers failed to contact A B Lime to explain why he was absent. In May 2023, he was released from custody and sought to return to work. Upon his return, A B Lime commenced a disciplinary process regarding his absenteeism. Following the process, it dismissed Mr Stowers for serious misconduct. Mr Stowers subsequently raised an unjustified dismissal claim with the Employment Relations Authority (the Authority).

The Authority heard that Mr Stowers was arrested and detained on 8 April 2023. He was due to work on 12 April 2023 and his partner contacted A B Lime to inform the business of his circumstances. Despite A B Lime's attempts to reach out to both Mr Stowers and his partner in the following weeks, there was no response until 1 May 2023, when his partner advised that Mr Stowers was expected to appear in court on 9 May 2023.

At that point, A B Lime initiated a disciplinary process. It wrote to Mr Stowers on 3 May 2023 and advised him of its concerns regarding not attending work and failing to be communicative. It also raised concerns about the uncertainty of when Mr Stowers would return to work. Mr Stowers was advised about a meeting to be held on 15 May 2023 and informed that if serious misconduct was established, that could lead to dismissal. He was also advised that if he could not attend the meeting, he could provide a written statement instead.

Mr Stowers was released from custody and sought to return to work on 10 May 2023. What happened next is in dispute. Ultimately, he was suspended via a letter dated 11 May 2023, pending a meeting scheduled for 15 May 2023. Mr Stowers did not challenge the suspension, and his not returning to work was interpreted as his acceptance of it.

At the meeting on 15 May 2023, Mr Stowers did not provide any further information about the charges he faced. He accepted that his communication could have been better. However, he explained that his poor communication was due to him being in custody and not thinking to make greater efforts to reach out to A B Lime.

On 17 May 2023, A B Lime issued a preliminary decision to terminate his employment for serious misconduct and, after hearing further feedback from Mr Stowers, confirmed its decision on 19 May 2023.

The Authority touched on the issue of the suspension even though Mr Stowers had not raised it as a grievance. The Authority observed that Mr Stowers had accepted the suspension, at the time it was made, and A B Lime had acted in reliance on that fact.

The Authority was satisfied with A B Lime's discipline process. Mr Stowers was advised of the concerns A B Lime held and was given every opportunity for feedback. His feedback was then considered by A B Lime before it issued its decision to terminate his employment. A B Lime's process satisfied the requirements of the Employment Relations Act 2000.

Turning to the decision to terminate Mr Stower's employment, the Authority observed that from A B Lime's perspective, Mr Stowers had not attended work for almost five weeks. His inadequate communication during that time meant that A B Lime had no clarity about why he was absent and how long the absence would be. A B Lime had no guarantees that Mr Stowers would be able to attend work in the future without further absence and, importantly, if further absences occurred, it had no confidence that Mr Stowers would properly advise it of what was occurring.

In short, A B Lime had an employee who went missing for nearly five weeks without properly explaining why at the time and it had genuine concerns that the unauthorised absenteeism could arise again if it continued to employ that employee. In the circumstances, the Authority found that dismissal without notice was appropriate. Costs were reserved.

Stowers v A B Lime Ltd [[2025] NZERA 2; 07/01/25; P Van Keulen]

Employer successfully runs incapacity process triggered by role change

Mr Wilson was employed at the Inland Revenue Department (IRD) from July 2008 until he was dismissed by notice given on 30 November 2023. Following this decision Mr Wilson raised a claim of unjustified dismissal with the Employment Relations Authority (the Authority).

In 2017, Mr Wilson was affected by an organisational change In October of that year, he was offered a new position as a Customer Service Officer (CSO). While he initially claimed to have accepted the role "under duress," his formal acceptance did not occur until February 2018. His role remained largely unchanged until, in 2020, IRD advised its staff that they would be expected to field incoming calls for four hours a week.

Mr Wilson suffered from tinnitus. A workplace assessment report from September 2020 noted that his condition worsened significantly when he worked from the office, particularly when taking calls. The report recommended that his day-to-day job role be reviewed to reduce the time he spent on tasks that aggravated his symptoms. To accommodate the recommendation, IRD did not require Mr Wilson to take inbound customer calls.

In April and May 2021, further discussions took place around how Mr Wilson could start taking calls, and it was suggested that he use a new headset. No solutions were found, and IRD continued to not require Mr Wilson to field calls.

The issue came to a head in 2022 when IRD looked to implement the changes first proposed in 2017. After discussions with affected staff, it was agreed that CSO staff would occasionally be answering the phones full-time, and at a minimum of 20 percent of the time when things were quieter.

Mr Wilson disputed the legality of the changes and, after several rounds of email exchanges, agreed to see a specialist in June 2023. The specialist's report established that while Mr Wilson was able to plan and carry out outgoing calls, the unpredictable nature of incoming calls caused him stress, which affected his tinnitus. The report offered no prognosis and instead recommended a suitable treatment provider for Mr Wilson to consult with. IRD proposed a six-month halt on inbound calls while Mr Wilson consulted the recommended provider and IRD proposed training and support to assist him with incoming calls. Mr Wilson rejected the offer, which led to IRD terminating his employment for medical reasons and him subsequently raising a personal grievance.

The Authority first considered the 2018 CSO job role that Mr Wilson accepted. The Authority did not accept Mr Wilson's view that there was ambiguity around the need to take inbound calls. The role description was clear that he would be required to take calls if rostered for that task.

Mr Wilson advanced a view that IRD had given him assurances he would not be required to take calls both in 2017 and 2018. The Authority did not agree. There was no evidence presented that any such assurances had been made. In fact, during the 2017 change and subsequent communications, the CSO role was described as broad-based and would provide customer service by phone and other channels used by customers in their dealings with IRD.

The Authority observed the offer made by IRD was fair and Mr Wilson had declined it. The Authority found that IRD properly raised all its concerns with Mr Wilson before it decided to dismiss him. IRD gave Mr Wilson a reasonable opportunity to respond to those concerns before the dismissal. IRD genuinely considered Mr Wilson's responses before deciding to dismiss him. The correspondence from IRD throughout demonstrated that IRD directly and reasonably answered all the points raised by Mr Wilson.

The Authority did not accept that Mr Wilson had been subjected to discrimination. He was offered both training and access to a treatment provider. When he declined IRD's offer, it could not be reasonably argued that his employment ended because of his tinnitus.

Mr Wilson asked the Authority to consider how his employment agreement had been changed in 2018 and sought to raise that issue as a grievance. The Authority observed that Mr Wilson signed the new agreement in 2018 and did not raise a grievance at that time, which he could have done if he had chosen to.

Mr Wilson, who was a member of Ngāi Tahu, also referred to tikanga alongside IRD's good employer requirements. However, the evidence established that IRD fully complied with its good faith obligations in its dealings with Mr Wilson. He failed to provide enough evidence to show the IRD had breached any substantive tikanga obligations, so the Authority took the matter no further.

The Authority concluded that Mr Wilson was justifiably dismissed and did not have a personal grievance arising from the termination of his employment. His various claims were dismissed. Costs were reserved.

Wilson v Chief Executive of Inland Revenue Department [[2025] NZERA 18; 17/01/25; P Cheyne]

Employee brought to New Zealand and dismissed without process in days

New Windsor 2017 Ltd (New Windsor) employed Ms Zhang as a kitchen hand in its rest home for three days, from 10 June until 12 June 2023. She claimed that she was unjustifiably dismissed and disadvantaged by New Windsor. She sought wage and holiday pay arrears, compensation for lost income and hurt and humiliation, penalties, and a contribution to costs.

Ms Zhang was a qualified pastry chef with many years of experience in China and Singapore. New Windsor brought her to New Zealand under an accredited employer work visa. The employment agreement provided for a pay rate of $28.18 per hour, paid fortnightly, at 35 to 50 hours per week. She was contacted on WeChat by someone claiming they were a licensed agent of New Windsor. That person asked her to sign the employment agreement, upon which they would proceed with her visa application. Ms Zhang could not read English, and the contents of the employment agreement were not explained to her.

Ms Zhang arrived in New Zealand with no contacts other than the agent and New Windsor's manager, Ms Wang. Ms Zhang's transport from the airport and her rental accommodation were arranged by the agent. She then worked from 10 to 12 June 2023. During that time, Ms Wang received complaints from residents about the food. Ms Wang felt that Ms Zhang's work was of an unacceptable quality. On the evening of 12 June 2023, Ms Wang phoned Ms Zhang, saying her work was no good. From that point, Ms Zhang claimed she was dismissed whereas Ms Wang claimed Ms Zhang forfeited her employment of her own volition, as she had found another job.

The Employment Relations Authority (the Authority) examined whether Ms Zhang's employment ended during the 12 June 2023 telephone conversation. It concluded that the parties had exchanged WeChat messages in the days following the telephone conversation, which confirmed Ms Zhang's employment had ended. Ms Zhang asked for her pay and provided New Windsor with her bank account and IRD number. That exchange indicated her request was in direct relation to the end of her employment, which the parties agreed occurred during the telephone conversation.

In the WeChat exchange, New Windsor plainly stated that it sought to change the fundamental nature of the agreement between the parties, from employment to training. It also sought for Ms Zhang to reimburse New Windsor, based on its dissatisfaction with her work. From that, the Authority concluded that Ms Zhang's employment ended at the initiative of the employer. It was reasonable, in all the circumstances of this matter, for Ms Zhang to understand that she had been dismissed.

New Windsor was unable to demonstrate its actions were those a fair and reasonable employer could have taken in all the circumstances. It did not raise its concerns about Ms Zhang's work with her in a reasonable manner which would allow her a fair opportunity to consider and respond. The Authority deemed overall that her dismissal was unjustified.

New Windsor was ordered to pay Ms Zhang the wage arrears of $845.40 for 30 hours of work, holiday pay accrual of $67.63, and interest on both totalling $913.03. Ms Zhang was also entitled to an award of lost wages of 10 weeks, cutting off at the point Ms Zhang started a new job on 21 August 2023. The final figure for lost wages was $9,863, including holiday pay of $789.04.

The situation had a profound and negative impact on Ms Zhang, undermining her confidence and courage, and disappointing her in having come to New Zealand with the intention of bringing her family. She was also caused great distress by being unable to support her family and children. As compensation for hurt and humiliation, the Authority awarded her $18,000.

The Authority considered whether it would issue New Windsor a penalty. It still had not paid Ms Zhang, which was in breach of the employment agreement. Such a failure could lead to a penalty carrying a theoretical maximum of $20,000. It was an intentional act with high culpability. New Windsor's failure to follow its employer obligations was seen as a serious breach. As a result, Ms Zhang had to borrow money from friends and family and spent time and resources bringing her action to the Authority. The Authority issued a penalty of $3,000, with half going to Ms Zhang to compensate for the expense of pursuing her statutory entitlements.

The Authority considered Ms Zhang's application for New Windsor to pay her legal costs. As the successful party, the unsuccessful one was required to contribute towards her costs. The Authority charged New Windsor its daily tariff of $4,500 plus reimbursement of the filing fee of $71.55.

Zhang v New Windsor 2017 Ltd T/A New Windsor Care [[2024] NZERA 778; 24/12/24; M Urlich]

Authority finds claims raised outside of statutory time limit

From July 2018, Ms Aguirre was employed by KAH New Zealand Ltd (KAH) as a food and beverage attendant. She initially resigned in June 2022 but was encouraged to take some leave instead, which she did between September and October 2022. She did not return to work and sent a resignation letter dated 18 November 2022. No issues were raised at the time. KAH did not hear from Ms Aguirre until an advocate, acting on her behalf, lodged a personal grievance dated June 2023 relating to issues that were raised with KAH in January 2022.

In her statement of problem, Ms Aguirre brought claims of unjustified disadvantage and constructive dismissal before the Employment Relations Authority (the Authority). KAH denied those claims and argued that Ms Aguirre had lodged her claims outside the statutory 90-day timeframe for raising personal grievances and that it did not consent to them being raised late. The preliminary matter before the Authority was to determine whether the claims had been brought within the required statutory period.

The Authority first turned to whether the disadvantage claim related to Ms Aguirre being overlooked for a promotion. She initially raised a grievance with KAH about that matter on 28 January 2022. KAH dealt with it accordingly at the time, and Ms Aguirre received the promotion she sought, indicating she was happy with the outcome. The Authority found that Ms Aguirre was barred from raising that claim again after it had been resolved to her benefit, and she never had raised any further claims about her dissatisfaction with the outcome.

Ms Aguirre presented a witness statement from her manager, Mr Lugo-Sharpe, that referenced correspondence he had with the Labour Inspectorate in July 2022, following his employment ending with KAH. The statement outlined that Ms Aguirre had raised bullying concerns with him, which had been dismissed by KAH. The Authority observed that discussions at the time about the issue did not amount to Ms Aguirre raising a personal grievance claim with her employer. Grievances must be raised with the relevant employer, not third parties. Furthermore, there was no indication that Mr Lugo-Sharpe was authorised by Ms Aguirre to raise a personal grievance claim on her behalf in his communication with the Labour Inspector. As such, the Authority did not consider this correspondence to be relevant or helpful.

The Authority observed that the statement from Mr Lugo-Sharpe on Ms Aguirre's bullying claim lacked relevant dates and specific details of the alleged incidents. KAH could not have addressed those concerns as they were not provided with enough information at the time to respond. That claim also failed.

Equally, the claim of abusive behaviour was not successful. There was evidence that Ms Aguirre had raised concerns about split shifts and workload, but equal evidence that KAH addressed those matters, and that Ms Aguirre had been satisfied with the outcome. Ms Aguirre also made a claim on inadequate rest and meal breaks but did not provide additional evidence for this, so the Authority declined to find in her favour.

The Authority found no grounds to support the claim of constructive dismissal. In her correspondence with KAH on resignation, Ms Aguirre raised no issues of concern and indeed, prior to that time, KAH had provided her with leave and encouraged her to remain working with the company. KAH had not been put on notice of any concerns until they received the statement of problem over a year later.

As there was no evidence that Ms Aguirre raised her personal grievance claim of constructive dismissal within 90 days of the ending of employment, the Authority found that this claim could not proceed.

The Authority noted that exceptional circumstances did not apply. There was no evidence of any barrier to Ms Aguirre raising her claims at an earlier stage. The evidence of communications from her indicated to the contrary – that she was willing and able to raise her concerns, hold her ground and insist on a formal response rather than an informal one, and actively negotiate alternative outcomes that were objectively beneficial to her. All of Ms Aguirre's claims were dismissed. Costs were reserved.

Aguirre v Kah New Zealand Ltd [[2025] NZERA 25; 20/01/25; C English]

Authority orders employer to pay wage arrears and repay premium

Ms Karunarathne worked for Creating Real Value Ltd (CRV) as a business administrator from 18 September 2023 until her employment ended on 31 March 2024. She lodged a claim with the Employment Relations Authority (the Authority) and sought $1,630.42 in unpaid wages. She also sought an order for the return of $3,000 which she had paid to CRV.

Although CRV was present at the Authority's investigation meeting, it did not file a statement in reply nor did it provide wage, time, and leave records as directed by the Authority.

Ms Karunarathne provided the Authority with a document where CRV's Director, Mr Retire, confirmed he created records on 24 July 2024 outlining that CRV owed her $1,630.42 in wage arrears. The parties agreed that the amount was the sum of wages outstanding. The Authority was satisfied that the amount was correct and ordered CRV to pay the arrears along with interest.

Ms Karunarathne described her payment of $3,000 as an investment in CRV. Ms Karunarathne and her husband had met Mr Retire and discussed investing in his business. In exchange, Ms Karunarathne would be employed part-time by CRV. Mr Retire told the Authority that the agreement reached was to employ Ms Karunarathne in exchange for the investment sum which CRV used towards paying Ms Karunarathne's wages, as the business was newly established.

The Authority was satisfied Ms Karunarathne paid the $3,000 to Mr Retire to secure a job with CRV. That payment was deemed a premium under the Wages Protection Act 1983, which sets out that "No person or person engaged by the employer must seek or receive any premium in respect of the employment of any person." CRV was therefore ordered to repay that sum to Ms Karunarathne. The Authority also considered it reasonable that Ms Karunarathne recovered the filing fee from CRV.

Mr Retire presented evidence of the CRV's financial status and asked the Authority to make an order that would allow for payments to be made in instalments. Ms Karunarathne opposed this order, noting she had already waited months for payment. Mr Retire was not able to give the Authority an indication of what level of instalment CRV could sustain. Noting that CRV was not in a strong financial position, the Authority was ultimately not convinced there was enough evidence to justify an order for instalment payments. The Authority observed the parties could still come to their own arrangement if they wished.

Ultimately, CRV was ordered to pay Ms Karunarathne wage arrears of $1,630.42 plus interest and the recovery of the premium worth $3,000.

Karunarathne v Creating Real Value Ltd [[2024] NZERA 729; 09/12/24; M Urlich]

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: Eight Bills

Referendums Framework Bill (17 April 2025)

Term of Parliament (Enabling 4-Year Term) Legislation Amendment Bill (17 April 2025)

Land Transport Management (Time of Use Charging) Amendment Bill (27 April 2025)

Plain Language Act Repeal Bill (14 May 2025)

Juries (Age of Excusal) Amendment Bill (22 May 2025)

Employment Relations (Termination of Employment by Agreement) Amendment Bill (22 May 2025)

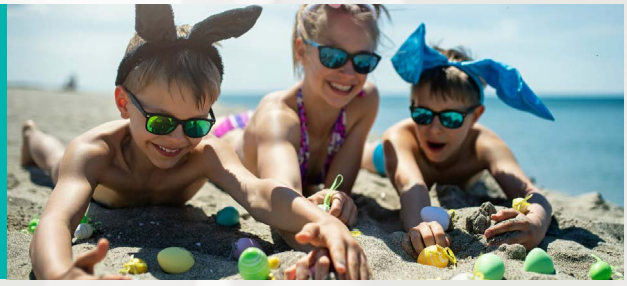
Sale And Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, And Christmas Day) Amendment Bill (22 May 2025)

Anzac Day Amendment Bill (22 May 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 GUIDE TO EASTER AND ANZAC DAY 2025



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A GUIDE TO SHOP TRADING RESTRICTIONS

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A QUICK GUIDE TO HOLIDAY PAY PRACTICES IN NEW ZEALAND

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If you would like to provide feedback about the Employer Bulletin, contact: comms@businesscentral.org.nz
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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.

TRAINING SERVICES

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

OCCUPATIONAL HEALTH AND SAFETY CONSULTANTS

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

NATIONAL PUBLIC HOLIDAYS 2025

New Year's Day - Wednesday, January 1
Day after New Year's Day - Thursday, January 2
Waitangi Day - Thursday, February 6
Good Friday - Friday, April 18
Easter Monday - Monday, April 21
ANZAC Day - Friday, April 25
King's Birthday - Monday, June 2
Matariki - Friday, June 20
Labour Day - Monday, 27 October
Christmas Day - Thursday, 25 December
Boxing Day - Friday, 26 December

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.