

# EMPLOYER BULLETIN

9 June 2025  
A Weekly News Digest for Employers

## EMPLOYER NEWS

### Building consent system productivity on the rise

Processing delays for building consents and code compliance certificates have dropped since the Government began publicly releasing council performance data, Building and Construction Minister Chris Penk says.

“Latest data shows 92.7 percent of building consent applications and 96.8 percent of code compliance certificates were processed within the statutory timeframe in the first quarter of 2025.

“That’s up from 88 percent and 93.6 percent respectively when reporting began last year.

“More work is getting done. In the first three months of 2025, 31,845 building consent applications, amendments and code compliance certificates were processed – almost 1,000 more than in the same period last year.

“The Government is working hard to bring in practical reforms which will streamline the consent system and make building in New Zealand easier and more affordable.

“This includes new legislation empowering trusted building professionals to sign off their own work – slashing thousands of applications to ease pressure, and requiring Building Consent Authorities to conduct 80 percent of building inspections within three working days.”

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

### Views sought on new Building Product Specifications

Tradies, local authorities, designers, retailers and the public are being urged to have their say on a draft document that would enable many more overseas products to be easily used in New Zealand.

Dr Dave Gittings, Manager, Building Performance and Engineering, said: “This new document streamlines the process for those looking to use proven and tested overseas products, knowing they will be accepted through the consenting system.”

“The draft Building Product Specifications document released contains specifications and overseas standards that can be used to demonstrate compliance with the Building Code.

“Designers will be able to use overseas products that comply with any one of these standards and specifications to show the building work meets overall Building Code requirements.

“We think there’ll be a lot of interest in the changes and I’d like to encourage everyone to have their say.”

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

### International visitor spending on the up

New data showing international visitor spending increased by almost ten percent on the previous year is welcome news, Tourism and Hospitality Minister Louise Upston says.

International Visitor Survey results show for the year ending March 2025, international tourism contributed \$12.2 billion to New Zealand’s economy, up 9.2 percent compared to the previous year.

This reflects an increase of 4.3 percent in international visitor arrivals, with 3.32 million visitors coming to New Zealand.

“The growth in visitor numbers and spending is very encouraging but there is still more work to do to ensure tourism and hospitality can really thrive,” Louise Upston says. “Amongst other initiatives, the Government announced a \$20.4 million Tourism Boost package this year to help drive visitor numbers.”

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

### Rising dairy prices lift export prices

Export prices rose 7.1 percent in the March 2025 quarter, led by dairy prices, according to figures released by Stats NZ.

“Export prices have been increasing since March 2024 and are now 17 percent higher than they were a year ago,” international accounts spokesperson Viki Ward said.

Prices for dairy products (New Zealand’s top export commodity) rose 10 percent, led by a 13 percent increase in milk powder prices compared with the December 2024 quarter. Export prices for butter are also 38 percent higher than in the March 2024 quarter.

Export prices for meat products, New Zealand’s second largest export commodity by value, rose 7.2 percent in the March 2025 quarter compared with the December 2024 quarter. Other commodities that contribute to the increase in total export prices were forestry products (up 4.9 percent) and fruit (up 4.6 percent). Total import prices rose 5.1 percent in the March 2025 quarter.

The Reserve Bank’s trade weighted index fell 5.3 percent in the March 2025 quarter compared with the March 2024 quarter, with the New Zealand dollar weakening against most major currencies.

“The weaker New Zealand dollar has contributed to the rise in import and export prices,” Ward said.

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

### New tools to fight retail crime welcomed

The Government is welcoming a report which shows facial recognition technology is an effective way of combatting retail crime, Justice Minister Paul Goldsmith says.

“The Privacy Commission found the live facial recognition technology model, trialled by Foodstuffs North Island, is compliant with the Privacy Act. The report notes that privacy concerns must be carefully safeguarded.

“It found the technology is effective at reducing harmful behaviour towards retailers, especially serious violent incidents. This is great news for businesses that are considering using the technology as a means to protect their livelihoods.

“I expect our Ministerial Advisory Group will continue to look at this technology as an option to be used more widely and engage with the sector on it.”

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

### Ruakura four-lane road to boost Hamilton’s economic growth

The NZ Transport Agency’s Board has endorsed the detailed business case for a new four-lane road in Hamilton which will deliver economic growth for the region, and approved \$4.1 million for the next stage of design work, Transport Minister Chris Bishop says.

“A 2024 Future Proof study found that parts of the Hamilton roading network will soon be unable to accommodate the expected increases in traffic,” says Mr Bishop. “This will cause extended periods of peak hour congestion, resulting in disruptions to 42 percent of national freight volumes and jeopardising the generation of over 50 percent of New Zealand’s GDP.

“The study concluded that the Ruakura Eastern Transport Corridor will enable ‘the golden triangle’ – Auckland, Tauranga and Hamilton – to continue to provide freight corridors for the most economically significant part of New Zealand, putting the right traffic on the right roads to reduce congestion and improve freight reliability.

“On land owned by Tainui Group Holdings, the Ruakura Superhub is a nationally significant development which services around 45 percent of New Zealand’s population, 42 percent of the nation’s freight and 55 percent of the country’s GDP with a 30ha inland port connected via rail to Auckland’s port and the Port of Tauranga.”

Implementation of the Eastern Transport Corridor project is currently timed for 2027-30 National Land Transport Programme and is subject to further funding being approved.

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

### WorkSafe makes significant shift to rebalance its activities

As part of broader health and safety reforms, WorkSafe will significantly refocus from an enforcement agency to one that engages early to support businesses and individuals to manage their critical risks, Workplace Relations and Safety Minister Brooke van Velden says.

“During my public consultation, I heard many concerns from a wide range of Kiwi businesses and workers about WorkSafe’s inconsistency, culture and lack of guidance. It was a constant theme on the roadshow from all parts of the country.

“For too long, businesses and employers have asked for more guidance and help from WorkSafe on how to comply with health and safety legislation, only to be told it’s not WorkSafe’s job.

“A culture where the regulator is feared for its punitive actions rather than appreciated for its ability to provide clear and consistent guidance is not conducive to positive outcomes in the workplace.

“WorkSafe has started slashing outdated guidance documents from its website and will be updating guidance where necessary,” says Ms van Velden. “These documents were identified as being no longer relevant, not reflecting current practice and technology, or containing content that is covered by other more up-to-date guidance. Removing and replacing outdated guidance will make it much easier for people to find the help they’re looking for and ensures WorkSafe is giving consistent and clear advice.

“I will also restructure WorkSafe’s appropriation to increase fiscal transparency and support delivery of my expectations. For some time, WorkSafe has struggled to effectively articulate the cost and effectiveness of its activities, making it difficult to monitor and assess the value of activities or the merit of requests for further funding.

“I want the public to receive a better experience in their everyday interactions with WorkSafe. The public will be able to provide feedback on the timeliness and effectiveness of WorkSafe’s guidance, inspections and other engagements,” says Ms van Velden.

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

### Fish & Game reforms to modernise organisation

Reforms to modernise and strengthen Fish & Game New Zealand will improve the national management of hunting and fishing resources and advocacy, while maintaining local control over local fishing and hunting rules, Hunting and Fishing Minister James Meager has announced.

“This long overdue reform to Fish & Game will refocus the organisation on its core job of managing our sport fishing and game bird resources and implement a more professional approach to national decision making,” Mr Meager says.

“It is important to our economy that Fish & Game is a well-functioning, highly effective and efficient organisation. Licence holders are estimated to spend up to \$138 million every year.

“Previous reviews have made clear current legislation is not fit for purpose, resulting in internal dysfunction, wasted expenses, variable governance practices, disconnect from licence holders and local advocacy which has overstepped the mark.”

The reforms will make several key changes, such as rejigging the focus and process behind the regional Fish & Game councils. Part of this will be increasing consideration of interests of other stakeholders, such as farmers and the aviation sector. Other changes include nationalising the fee collection system and nationalising a policy around advocacy.

A stand-alone Fish & Game Act will be introduced this year, and the Select Committee will provide an opportunity for stakeholders and the public to provide feedback on the proposals.

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

## EMPLOYMENT RELATIONS AUTHORITY: FIVE CASES

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### Procedure still required to handle employee's violence

Mr Wei worked in Mr Liu's roast shop in Auckland. He claimed he was verbally assaulted in November 2023, then physically assaulted in December 2023. When Mr Liu ceased to give him work after that point, Mr Wei lodged a claim for unjustified dismissal and unpaid wage arrears.

Mr Wei never signed an employment agreement, and his wages were paid in cash. Mr Liu claimed that Mr Wei got paid in cash because he refused to disclose his IRD number or bank account details. Mr Liu further argued that Mr Wei's actions in the alleged assault in December 2023 were so troubling, that he decided not to offer him further work.

Mr Wei believed his employer was Mr Liu. It was not until May 2024 that he was informed that LH Star was his documented employer, with Mr Liu being the director and sole shareholder of the company. The Employment Relations Authority (the Authority) added LH Star as a third party to the proceedings, in order to ensure all Mr Wei's possible employers were included.

The Authority examined the first claim of a verbal assault in November 2023. It found that there was no evidence to support Mr Wei's allegations that he was verbally assaulted by a new employee, Ms Gong. The most likely sequence of events was that Mr Wei became frustrated with Ms Gong when he felt she was working too slowly, but not to the standard of him verbally assaulting her. Mr Wei did not raise any other concerns about Ms Gong's behaviour with Mr Liu.

The Authority then examined the alleged physical assault, which occurred on 13 December 2023. It watched the CCTV footage which captured the events. Mr Wei pushed past Ms Gong and, following an exchange of words, advanced on her in a threatening manner. Ms Gong kicked out at Mr Wei. In turn, Mr Wei threw a plastic bowl at her.

The Authority determined that it was Mr Wei who had assaulted Ms Gong. Mr Liu and Ms Gong's version of events was supported by the CCTV footage, which clearly showed Mr Liu physically restraining Mr Wei and attempting to get between the two.

Mr Liu also alleged that Mr Wei had threatened to cut Ms Gong with a knife, which Mr Wei strongly refuted. The Authority considered that, given Mr Wei's conduct, it was more likely than not that he made such a threat.

However, the Authority found that Mr Liu failing to provide further work to Mr Wei amounted to a constructive dismissal. The dismissal was substantively justified by Mr Wei's conduct, but there was a complete lack of procedural fairness. That failure rendered the decision procedurally unjustified.

The Authority made an initial award to Mr Wei of \$15,000. It then accounted for Mr Wei's high level of blameworthy conduct and reduced the award by 80 percent to \$3,000. Because Mr Wei's dismissal was substantively justified, he was not entitled to an award of lost remuneration. A fair and proper process would have resulted in a justified dismissal, because he had engaged in serious misconduct that would have warranted summary dismissal. However, he was still owed arrears for unpaid public holiday entitlements and annual holiday pay arrears.

Mr Liu was ordered to pay Mr Wei \$6,887.63. That consisted of \$180.42 as unpaid time and a half for the two public holidays he worked, \$3,393.46 in annual holiday pay arrears, \$242.20 in interest, the \$3,000 compensation and \$71.55 to reimburse his filing fee. Mr Liu was further ordered to declare to the IRD that Mr Wei was his employee and to make good on any tax or penalties owed. Costs were reserved.

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**Wei v Liu [[2025] NZERA 80; 17/02/25; R Larmer]**

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### Employee's lawyer can settle case without employee realising

JPI sought to raise claims against VFU in the Employment Relations Authority (the Authority). On 16 August 2024, VFU advised the Authority that it and JPI had come to a private agreement on the dispute. JPI, however, denied that. The Authority needed to decide whether the parties had settled the dispute.

Parties to an employment relationship problem are able to resolve it at any time, directly between themselves or with the assistance of mediation. Many settlement agreements are entered into under the Employment Relations Act 2000 (the Act), but that is not needed for resolution to occur. The dispute here was whether exchanges between the parties' lawyers would suffice as agreement from JPI.

On 14 August 2024, VFU made an offer to JPI, and JPI conditionally accepted. VFU had agreed to JPI's request for a positive reference. That was followed by a flurry of emails and phone calls. Ultimately, JPI indicated she would sign a settlement that contained her requests. VFU agreed to the changes, and sent the agreement to JPI on 16 August 2024, seeking a signature for the agreement. However, JPI did not sign the document. VFU asked the Authority to consider the settlement had been agreed to, either by accord and satisfaction, or by estoppel, where a judicial authority would stop someone from reneging on a previous agreement.

The Authority considered that JPI, through her representative at the time, created and encouraged VFU's belief that she had settled the dispute that had been submitted to the Authority. In turn, VFU reasonably relied on that belief to its detriment. VFU offered to settle for compensation and a positive reference. The exchanges between the representatives resolved the details of that reference. All the terms of the agreement were clear and in writing, with JPI's signature just a formality. If a party were permitted here to renege on settling their employment relationship problem, it could have a chilling effect on the parties' ability to rely on representations made in settlement negotiations.

JPI claimed that she had no knowledge of the settlement that was being discussed and had not given instructions to her lawyer to settle that way. The applicant advised the Authority on 17 August 2024 that her representative no longer acted for her. The Authority received their message on the next working day, Monday 19 August 2024. Until the point of the Authority's receipt, VFU was entitled to think that JPI's representative had instructions to settle the employment relationship problem on her behalf. In their dealings on Friday 17 August, VFU's representative appropriately dealt with JPI's representative in accordance with the Act.

The Authority found that JPI was estopped from denying that she had settled her employment relationship problem. Having made this determination, the Authority directed VFU to complete the settlement. Costs were reserved.

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**JPI v VFU [[2025] NZERA 66; 14/02/25; P Cheyne]**

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### Employee's contracted worksite is deemed to be controlling third party

Ms Boardman worked for Klomp Transport Ltd (Klomp Transport), which contracted its employees to NZ National Networks Ltd which traded as Team Global Express. She raised a claim in the Employment Relations Authority (the Authority) and alleged she had been unjustifiably disadvantaged and dismissed. The Authority had to initially determine if Team Global Express should be added to the proceedings as a controlling third party.

Klomp Transport provided drivers for Team Global Express vehicles. The drivers were approved by Team Global Express and wore uniforms with its branding. If Team Global Express was not happy with the conduct of a driver, it could ask Klomp Transport to stand down that driver.

In practice, Ms Boardman was interviewed by Team Global Express and underwent its induction, which included training. Prior to the interview, she had not heard of Klomp Transport. Team Global Express arranged for Ms Boardman to be employed by Klomp Transport. Ms Boardman was in charge of her own vehicle packing, and when and how deliveries were made. Team Global Express required her to attend its regular meetings.

In August 2023, Ms Boardman made a complaint to Team Global Express about Mr Tinkler, its transport manager. Team Global Express and Klomp Transport had a meeting. Team Global Express considered the matter had been fully addressed by committing to more training, as well as setting its expectations to Ms Boardman through an email on 25 August 2023.

In September 2023, Team Global Express received complaints about Ms Boardman from a supermarket she delivered to. The complaints alleged she was unwilling to comply with the health and safety requirements of parking and unloading goods. The matter escalated when she became aggressive and had a physical altercation with supermarket staff who confronted her about it. On 26 September 2023, Team Global Express advised Klomp Transport that Ms Boardman could no longer use its vehicles.

Klomp Transport ran an investigation, where Ms Boardman said she had herself raised a complaint about the supermarket with Team Global Express, and had to arrange removing herself from deliveries to it. Klomp Transport ultimately dismissed her on 13 October 2023.

For Team Global Express to be added as a controlling third party, the grievance had to relate to an action that was alleged to have occurred while the employee was working under Team Global Express' direction and control. The third party needed to have been notified of the grievance, and there had to be an arguable case that they should be added as a third party. Finally, Team Global Express' actions must be considered to have contributed towards the grievance.

Team Global Express was aware of Ms Boardman's grievance against Klomp Transport. Team Global Express also knew of her allegation that its actions caused or contributed towards her grievance, and of her application to add it to the grievance as a controlling party. Team Global Express was placed on notice of the grievance.

Ms Boardman picking up goods from Team Global Express and delivering them to its customers presented an arguable case that Team Global Express derived benefit from her work. While Team Global Express presented the arrangement as a contract for services, the Authority took the view the arrangement went further, as Team Global Express had influence over the performance of drivers.

The Authority assessed the extent of Team Global Express' control and direction. A controlling third party would seldom be in a position to be making decisions about employees. Still, at times, its decisions could have consequences for employees. The Authority found there was an arguable case that decisions made by Team Global Express had consequences for Ms Boardman, as seen in her dismissal. The fundamental issue was not how reasonable and commonplace the decision would be in the industry, as Team Global Express argued, but the control it exerted. It was about the ability of Team Global Express to control and direct whether, and in what circumstances, Ms Boardman could perform work.

Team Global Express indeed gave directions to Ms Boardman including managing performance issues, largely without involvement from Klomp Transport. The Authority found that there was an arguable case that Team Global Express exercised control and direction. The totality of evidence supported Team Global Express being considered as a controlling third party.

Team Global Express arranged the meeting to address Ms Boardman's complaint about Mr Tinkler, as well as facilitating the outcome and follow up actions. Part of Ms Boardman's grievance was that she felt the issue was not resolved. The Authority considered there was an arguable case that Team Global Express caused or contributed towards her grievances.

This contribution also arguably caused Ms Boardman her dismissal. Ms Boardman performed duties exclusively for Team Global Express, and it was Team Global Express that directed she be suspended and ultimately banned from using its vehicles, which impacted her employment. A recording of a meeting between Ms Boardman and Klomp Transport also indicated Team Global Express may have pressured Klomp Transport's decision.

The Authority ultimately found that an arguable case was made out, that Team Global Express was a controlling third party, and that its actions caused or contributed to each of the personal grievances. As a result, it was added to Ms Boardman's personal grievance. Costs were reserved.

## Procedural flaws in addressing theft allegations

Mr Ryder was employed by LongChill Ltd (LongChill) for a number of years as a truck driver until he was summarily dismissed on 3 December 2023 after he was caught stealing from a customer. Mr Ryder claimed his dismissal was both substantively and procedurally unjustified and sought remedies in the Employment Relations Authority (the Authority).

At 1:50 am on 14 November 2023, Mr Ryder went to the premises of a customer company, where CCTV footage captured him taking loaves of bread. He claimed he did not see the sign that stated the bread was only to be taken on working days. He further argued the bread was from an “overs bin” and would have been thrown away anyway.

After the customer informed LongChill that Mr Ryder was no longer allowed to work on its site, LongChill staff discussed the matter with the sole director and shareholder of LongChill, who was also Mr Ryder’s uncle. At his direction, LongChill commenced an investigation process that ultimately led to Mr Ryder’s dismissal. Mr Ryder did not participate in the investigation or discipline process.

Upon reviewing the CCTV footage, the Authority found LongChill had substantive justification to invoke the serious misconduct provision in Mr Ryder’s employment agreement and had reasonable grounds to conclude he had stolen bread from the customer. The footage did not support Mr Ryder’s evidence that he had taken the bread from the overs bin.

However, the Authority identified multiple procedural failings. Mr Ryder was not advised that the customer had banned him from its site, nor was he given copies of the CCTV footage or the sign that LongChill relied on as part of its decision making. Crucially, Mr Ryder was not told of his uncle’s involvement in the process. That was relevant because by LongChill failing to explain that fact to Mr Ryder, he was also prevented from resolving the issue with a plain apology to his uncle, who would have accepted it. That omission, in the view of the Authority, gave weight to the argument LongChill had not considered alternatives to termination of employment.

While the decision was substantively justified, the procedural flaws had rendered the decision to be procedurally unjustified. The flaws were more than minor, and in consequence, Mr Ryder had been treated unfairly.

Mr Ryder claimed the outcome was predetermined and that some LongChill staff “had it in for him”. The Authority found no evidence to support those claims. Mr Ryder also claimed LongChill disadvantaged him by asking him to attend meetings on his days off. The Authority considered that to be a minor issue. If he had wished to, Mr Ryder could have requested the meetings be held on another day.

The Authority considered that, had a fair process been run, the chances of Mr Ryder losing his job were lowered by half. It therefore considered it reasonable to award him half of the three months’ lost wages he tried to claim. LongChill was also to calculate and pay any holiday pay and employer KiwiSaver contributions applicable to the one and a half months’ wage.

The Authority started by assessing compensation at \$10,000 and reduced it by thirty percent due to Mr Ryder’s contributory conduct, being his failure to engage with LongChill’s disciplinary process. Mr Ryder was not directly responsible for LongChill’s procedural failings, but if he had engaged then he could have put to the test LongChill’s position presented at the investigation meeting and set out his explanation. Costs were reserved.

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**Ryder v LongChill Ltd [[2025] NZERA 85; 17/02/25; S Kinley]**

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**Delicate investigation still calls for following procedural requirements**

Constable French claimed at the Employment Relations Authority (the Authority) that he had been unjustifiably disadvantaged in his employment by the New Zealand Police (the Police). He argued that the Police negatively impacted his career progression and growth, undertook a flawed investigation against him, and in turn failed to investigate his own concerns on sexual and other harassment in the workplace. He claimed, through its actions, that the Police breached its duty of good faith to him.

The Police ran an investigation for an incident which occurred on 21 January 2023, when Constable French made an inappropriate comment about his colleague, Constable A, in front of two other officers. Constable French did not find out an investigation was in progress until 29 May 2023. His responses were not sought before a disciplinary meeting was held on 19 July 2023, which ultimately led to no action being taken against him.

The Authority found the Police had a reasonable basis for undertaking the investigation and arriving at its conclusions. The difficulty for the Police was that the investigation and subsequent discipline procedures were procedurally flawed and contained elements of predetermination. Constable French successfully established that the issues caused him disadvantage.

The Authority then considered the list of incidents and conduct that were said to have impacted on Constable French's career progression. There was generally little evidence on the issue, but there were two specific instances where Constable French's advancement opportunities were put on hold because of investigations into his conduct that he was not made aware of. While the Authority accepted the Police had pragmatic reasons for its actions, it caused disadvantage to Constable French by its procedural failings.

The third claim centred on allegations that Constable A shared inappropriate photos of Constable French. He claimed he had sought to raise this matter as a bullying complaint and thought the Police had not taken the matter seriously. The Authority considered it more likely than not that when Constable French raised the matter on 23 April 2023, he did not express it as a complaint, but rather in terms of trying to ease tensions between himself and Constable A. Constable French had not sought to advance the matter further until a meeting held on 17 July 2023. The delay suggested Constable A had different motivations other than to raise a genuine concern about his safety in the workplace. The claim did not succeed.

For the successful disadvantage claims, the Authority awarded Constable French \$7,000 as compensation for hurt and humiliation, but reduced that amount by twenty five percent, to reflect Constable French's blameworthy conduct in the 21 January 2023 incident. It declined to impose a penalty for a breach of good faith. While some of the actions of the Police were inconsistent with its duty of good faith, its actions were not deliberate, serious or sustained. Constable French also sought to advance a claim for loss of benefit from events which prevented his career advancement. He did not provide enough detail on this to take the matter further.

The Police also deducted wages from Constable French without his consent to even out an overpayment made in August 2023. Constable French argued the deduction had been in breach of the collective agreement he was on at the time. The Authority considered the requirements of the collective agreement on giving notice to Constable French and how repayments were organised. Ultimately, the Police had breached the collective agreement. However, the Authority considered that the Police apologised and took remedial actions, so a penalty was not warranted.

The Police were ordered to pay Constable French \$5,250 as compensation for the hurt and humiliation caused by the successfully established disadvantages. Costs were reserved.

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**French v Commissioner of Police [[2025] NZERA 88; 18/02/25; R Anderson]**

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## LEGISLATION

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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: Fourteen Bills**

Education and Training Amendment Bill (No 2) (12 June 2025)

Public Works (Critical Infrastructure) Amendment Bill (19 June 2025)

Education and Training (Vocational Education and Training System) Amendment Bill (18 June 2025)

Credit Contracts and Consumer Finance Amendment Bill (29 June 2025)

Financial Service Providers (Registration and Dispute Resolution) Amendment Bill (29 June 2025)

Regulatory Standards Bill (23 June 2025)

Financial Markets Conduct Amendment Bill (23 June 2025)

Building and Construction (Small Stand-alone Dwellings) Amendment Bill (23 June 2025)

Ngāti Hāua Claims Settlement Bill (24 June 2025)

Judicature (Timeliness) Legislation Amendment Bill (25 June 2025)

Valuers Bill (27 June 2025)

Financial Markets (Conduct of Institutions) Amendment (Duty to Provide Financial Services) Amendment Bill (4 July 2025)

Public Finance Amendment Bill (7 July 2025)

Inquiry into Ports and the Maritime Sector (13 July 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](mailto: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.



#### 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

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.

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

## 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.

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.

For more information about Business Central's public and customised in-house courses, or to register for a course, contact the team today.

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## 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.

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.**

