

EMPLOYER BULLETIN

16 June 2025
A Weekly News Digest for Employers

EMPLOYER NEWS

New Zealand hits digital economy milestone

A key milestone in the push for a more connected digital economy has been reached, with over one million businesses now registered with a New Zealand Business Number (NZBN), Small Business and Manufacturing Minister Chris Penk says.

“The NZBN is a simple idea with a big impact. It gives each business a unique identifier that makes it easier to work with government, other businesses and suppliers – saving time, cutting duplication and reducing admin.

“The NZBN creates a single, trusted source of business data that government agencies can access in real time. Other businesses and individuals can also look up an NZBN to confirm the legitimacy of the company they’re dealing with.

“The milestone includes nearly 200,000 sole traders and unincorporated businesses, which aren’t legally required to register but are choosing to. That shows they see real, practical value in it – especially smaller operators who may not have large digital systems and need tools that help them get on with the job.”

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

New Zealand Grass-Fed certification to take on global competitors

New Zealand is raising its game on the global stage with a new Grass-Fed certification scheme to help our red meat and dairy producers go head-to-head with competitors in premium international markets, Prime Minister Christopher Luxon and Agriculture Minister Todd McClay announced at Fieldays.

“International consumers are increasingly willing to pay more for high-quality grass-fed food—and New Zealand intends to lead that space, not follow it,” Mr McClay says.

“This new standard puts a clear, trusted stamp on what our farmers have always done best—producing high-quality, safe pasture-raised meat and dairy.”

The voluntary scheme, developed in partnership between the Primary Sector and the Ministry for Primary Industries, sets a clear definition for grass-fed products. Producers who meet the standard can be assessed and display the trusted Grass-Fed certification on their products and market them to the world.

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

Business employment data: March 2025 quarter

Business employment data includes filled jobs and gross earnings, with breakdowns by industry, sex, age, region, and territorial authority area, using a combination of data from two different Inland Revenue sources: the employer monthly schedule (EMS) and payday filing. Both are associated with PAYE (pay as you earn) tax data.

Total actual filled jobs in the March 2025 quarter were 2.26 million.

In the March 2025 quarter (compared with December 2024 quarter):

- total seasonally adjusted filled jobs were down 0.1% (2,499 jobs).

For the year ended March 2025 compared with the year ended March 2024:

- total gross earnings were up 2.3% (\$4.0 billion).

An annual comparison is used for earnings to account for payroll timing differences between quarters.

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

Foreign Minister strengthens relationship with Italy

Foreign Minister Winston Peters has concluded a constructive visit to Italy, marking 75 years of diplomatic relations.

Mr Peters and Italy Foreign Minister Antonio Tajani met in Rome overnight and confirmed the strength of the bilateral relationship that New Zealand and Italy share.

“New Zealand and Italy are long-standing partners,” Mr Peters says. “We have agreed to work more closely together, in order to expand strategic and trade and economic relations.

“We work closely in Antarctica and have shared interests in supporting the rules-based international order and multilateral system, including cooperation on human rights and UN reform.”

Mr Peters signed an arts, science and sport arrangement with Minister Tajani, which supports cooperation between New Zealand and Italy in these areas.

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

More funding to grow international tourism

The government is increasing funding for attracting overseas visitors and investing in tourism infrastructure as part of its new Tourism Growth Roadmap, Tourism and Hospitality Minister Louise Upston says.

“We’re investing \$35 million to deliver the first stage of the Roadmap, which sets out the government’s plan to double the value of tourism,” she says.

“International visitors bring billions of dollars into New Zealand, from big-ticket spends to everyday purchases in local cafes and accommodation.

“We want to welcome more visitors to New Zealand, and we want our regional communities to improve their capacity to look after those visitors.

“The government must work with industry to unlock the full potential of our tourism sector, and the Roadmap lays out initiatives and investments to ensure our infrastructure, workforce and communities can support further growth.”

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

Applications open for \$30 million Coastal Shipping Resilience Fund

Applications have opened for a \$30 million fund for projects that will enhance the resilience of New Zealand’s coastal shipping connections and help boost economic growth, Associate Transport Minister James Meager has announced.

The Coastal Shipping Resilience Fund was established through the Government Policy Statement on land transport. Funding will be allocated through a contestable process, with the criteria’s scope confirmed on June 11.

“The coastal shipping sector is vulnerable to natural hazard risks. Disruption to the sector could worsen New Zealand’s supply chain and economic performance,” Mr Meager says.

“This long-term investment is crucial to ensuring we, as a nation, can get our goods to market, which is vital to growing the economy. Economic growth means more jobs, higher incomes and better public services for all Kiwis.”

The fund will be used to invest in a small number of landmark projects, to support assets and facilities with a long lifespan well beyond the three-year funding period.

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

New Zealand food and fibre exports on track to break new records

Farmers, growers, foresters, fishers and primary processors are driving New Zealand’s economic recovery with export revenue on track to surpass \$60 billion for the first time, Agriculture and Forestry Minister Todd McClay announced today at Fieldays.

“The latest Situation and Outlook for Primary Industries (SOPI) report forecasts export earnings of \$59.9 billion for the year ending 30 June 2025, \$3 billion higher than projected in December. This momentum is expected to continue, with exports reaching \$65.7 billion by 2029,” Mr McClay says.

“These figures reflect the hard work and resilience of the hard-working men and women of provincial New Zealand.

“Strong global demand and healthy prices across key markets are positioning our high-quality, safe and sustainable food and fibre exports for record growth.”

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

EMPLOYMENT RELATIONS AUTHORITY: FOUR CASES

Redundancy process found not procedurally fair

Mr Paull was made redundant from his position as an apprentice engineer with Waikanae Holdings (Gisborne) Ltd (Waikanae) due to a downturn in the engineering industry following adverse weather events in Gisborne. Mr Paull argued that his redundancy was not genuine, as it lacked practical justification and was procedurally flawed. He consequently raised a claim against Waikanae in the Employment Relations Authority (the Authority). He also claimed that Waikanae had not acted in good faith. Waikanae stated that its decision to disestablish Mr Paull's role was simply because there was no work for him.

Mr Paull began full-time employment as an apprentice engineer on 5 February 2018. HVW was a company in the Gisborne region that hired labour from Waikanae and would then send Waikanae timesheets for hours worked by Waikanae staff. Waikanae would then invoice HVW based on the timesheets collected.

Mr Schiau worked for Waikanae as an offsite manager. He would receive the labour roster request from HVW for the "on-season" or production season from January to June 2023. For the 2023 "on-season", Mr Schiau arranged for two engineers to be on alternating shifts, one of whom was Mr Paull. Mr Paull's work at HVW was generally good and no complaints were made against him.

On 23 May 2023, Mr Schiau went on holiday overseas. Around a week before he left, Mr Schiau gave another offsite manager, Mr Malia, the rosters for the engineers at HVW, which included Mr Paull. The final roster Mr Schiau saw before he went on leave went through to 1 July 2023. Mr Paull's last rostered day at HVW was Friday 23 June 2023. The Waikanae managing director, Mr McCann, said he had a discussion with Mr Malia about the engineers not having any more work at HVW. Work had already been scaled back from 12-hour days to shorter shifts. Mr Malia rang Mr McCann and said there was no more work at HVW.

Mr McCann said he had multiple discussions with Mr Malia on 27 June about the fact that there were engineers in the workshop doing nothing. Mr Paull said his first day back at the workshop at Waikanae was Tuesday 27 June. Mr Malia told him that he did not have any work for him. That afternoon, Mr McCann asked Mr Malia to bring Mr Paull up to a meeting room. Mr McCann did not intend the meeting to be a disciplinary meeting. He made the decision that Mr Paull had to be made redundant, and the purpose of the meeting was to tell him that. Mr McCann did not recall Mr Paull raising the potential for any off-season work at HVW. Mr Paull was asked to respond, but he said his response was "discounted". After a short conversation, Mr McCann said: "We're going to have to let you go."

Based on the evidence, the Authority did not think Waikanae had an ulterior motive for terminating Mr Paull's employment. The Authority also found it was unnecessary to make Mr Paull's position redundant at that time, because Waikanae had not carried out sufficient enquiries about the continuation of work at HVW after the end of the season, and it could not sufficiently justify its selection of Mr Paull's position for redundancy. The abruptness of the decision, and the lack of consultation and process leading up to the time the decision was made, undermined Waikanae's position that Mr Paull's dismissal was justifiable. The Authority concluded that Mr Paull's dismissal for redundancy was not substantively justified or procedurally fair.

The decision to make Mr Paull redundant was hasty and he was not given any advance notice of what the meeting was about. That denied Mr Paull the opportunity to prepare or have a support person or representative at the meeting. He was not provided with access to information supporting the reason for the redundancy and the detail of how it was proposed to be implemented, and he was not given a genuine opportunity to comment on the redundancy proposal prior to a decision being finalised. Waikanae had not discussed alternatives to dismissal with Mr Paull.

The Authority ordered Waikanae to pay Mr Paull \$20,000 as compensation for hurt and humiliation relating to his unjustified dismissal as well as reimbursement for lost wages worth \$7,420. Costs were reserved.

Paull v Waikanae Holdings (Gisborne) Ltd [[2025] NZERA 94; 19/02/25; N Szeto]

Authority declines interim reinstatement application

DBY was employed by SLN from 14 April 2022 in a full-time, senior role. DBY was a member of the executive leadership team and reported to DHW. In October 2023, SLN proposed to split the senior role into two positions. After the decision was confirmed, DBY raised a personal grievance arguing that the decision lacked procedural fairness. However, their grievance was withdrawn. Subsequently, on 24 November 2023, DBY agreed to transition into a new role, which commenced on 28 January 2024.

In March 2024, DBY raised a further personal grievance, alleging that DHW and another employee had bullied him. Over six weeks, legal representatives for DBY and SLN unsuccessfully attempted to resolve matters. On 29 April 2024, SLN received complaints from members of the executive leadership team against DBY. They had concerns about compatibility and issues relating to DBY's alleged conduct. In May 2024, SLN concluded its investigation of the bullying allegations made by DBY and found no evidence in support of his claims.

The allegations against DBY were then investigated in June 2024, and during that process, DBY raised a further grievance alleging that the investigation was biased. Ultimately, at the conclusion of the investigation, SLN terminated DBY's employment for serious misconduct and incompatibility issues.

On 26 September 2024, DBY raised a personal grievance for unjustified dismissal and lodged an application with the Employment Relations Authority (the Authority) for interim reinstatement. The first question with reinstatement was whether there was a serious question to be tried that DBY was dismissed unjustifiably.

DBY was critical of SLN's investigation and discipline processes. DBY thought the outcome was predetermined and that SLN should have engaged an independent investigator. SLN had considered engaging an independent investigator but decided it was not necessary. It submitted that it kept an open mind and acted in a procedurally fair manner. DBY thought termination was overly harsh and that SLN failed to consider alternative options. In response, SLN submitted it had considered alternatives to termination. However, given the nature of the proven complaints, termination was considered justified.

Upon assessing the evidence, the Authority considered DBY had a case that SLN, with respect to the disciplinary process it had undertaken, might not have acted as a fair and reasonable employer. DBY submitted there was a case for reinstatement. DBY said they were happy to enter mediation with the executive leadership team and wished to rebuild relationships. In response, SLN submitted there were serious issues relating to incompatibility and loss of trust and confidence. It thought that DBY had not taken any responsibility for their actions. It further submitted that if DBY was to return, some of the executive leadership team were likely to leave.

The Authority considered that DBY had a relatively weak case for reinstatement. However, there was a remote possibility on the facts that it could be both practical and reasonable for DBY to be reinstated. The application was not considered frivolous or vexatious and the Authority considered there was a serious case to be tried in relation to the dismissal.

The Authority then went on to consider the balance of convenience, which required an assessment of the impact on each party if interim reinstatement was or was not granted. DBY was ready and willing to work, especially since their ongoing absence from the workplace was causing financial pressures. SLN took the view that any reinstatement would cause significant disruption and referenced again its concerns around incompatibility.

Weighing up the arguments from both sides, the Authority found that a temporary return to work would lead to unnecessary disruption if DBY ultimately failed to secure permanent reinstatement. As such, the balance of convenience favoured SLN.

Upon assessing the overall justice of the case, the Authority found that due to the potential for disruption to SLN, it was not in the interests of justice for DBY to be reinstated. Their application for interim reinstatement was declined. Costs were reserved pending the findings of the substantive investigation.

DBY v SLN [[2025] NZERA 86; 18/02/25; A Gane]

Employer walking back mediation offer contributes towards unjustified dismissal

Ms Hill was employed by Tamaki Labour Hire Ltd (Tamaki) as a sales manager and was part of the senior leadership team. Ms Hill raised a claim with the Employment Relations Authority (the Authority) alleging that she was unjustifiably disadvantaged in her employment because of bullying and because of a wrongful suspension. She further claimed she had been unjustifiably dismissed via a redundancy process that was both substantively and procedurally flawed.

In early 2023, Ms Hill formed the view that she was being excluded by other team members. She also thought she was being subjected to bullying by the group chief executive – specifically, once being directed to hurry up during an online presentation and later being spoken to in a bullying and abrupt manner.

In March 2023, Tamaki commenced a proposal to disestablish Ms Hill's role and have the Auckland sales team managed by a Wellington-based manager. The proposal was light on financial rationale and how the change would impact on the performance of the business.

On 2 April 2023, Ms Hill raised her personal grievance in regard to bullying allegations and asserted that Tamaki might be liable for constructive dismissal. From there, she requested the parties attend mediation. Tamaki agreed to mediation and said the feedback meeting would be put on hold until mediation was concluded.

On 14 April 2023, Tamaki became aware of a WorkSafe notification submitted by Ms Hill alleging bullying and harassment. On the same day, Tamaki suspended Ms Hill from the workplace relating to an allegation she doctored some documents and shared private information. There followed correspondence between the parties as Ms Hill sought to work from home and Tamaki denied her request. Ultimately, Tamaki set aside the discipline process and invited Ms Hill to give feedback on the restructuring proposal by 3 May 2023.

On 8 May 2023, Tamaki wrote to Ms Hill advising her role was being made redundant and gave her four weeks' notice. In the same letter, Tamaki sought her feedback on redeployment with no set timeframe for a response. Four days later, Tamaki confirmed its decision and advised no redeployment options were suitable.

While the Authority accepted it was more likely than not that Tamaki had a business need to reduce costs, it erred in not providing detailed financial information to Ms Hill. Mention was made of the loss of a key client. However, no financial detail nor any specific detail was provided as to why Ms Hill's role was considered surplus to requirements. Evidence indicated Ms Hill sought answers to those questions and received only brief responses.

Criticism was also levelled at Tamaki's approach of agreeing to mediation and then withdrawing the offer, without considering urgent mediation or a without prejudice conversation between counsel.

The Authority had reservations about the genuineness of the redeployment process. Tamaki left itself vulnerable to criticism by giving Ms Hill notice of termination and then no timeframe for a response before it proceeded to determine Ms Hill was not suitable for the roles.

The Authority considered Tamaki's actions, in the circumstances, were not the actions of a fair and reasonable employer and found Ms Hill was unjustifiably dismissed. However, it found there was no evidence of Ms Hill being subject to bullying or exclusionary behaviour.

Finally, the matter of the suspension was considered. When an employer is considering suspension, the employee generally ought to be told if a suspension is being contemplated, the reasons why, and almost always be given an opportunity to be heard before a decision is made.

Tamaki submitted that Ms Hill, through her counsel, had not challenged the suspension decision nor had it disadvantaged her. They further submitted that it would have enabled Ms Hill to have paid time away from the office, which was what she had sought.

The Authority did not accept Tamaki's submissions. Ms Hill had shown she was willing to work in the office despite her health concerns and was still attending the workplace at the time she was suspended. Tamaki's actions in preventing her from working and the lack of consultation were both actions that affected Ms Hill's terms and conditions of work. Tamaki's unjustified actions in this regard made Ms Hill's already tenuous work environment even more strained. The unjustified disadvantage grievance relating to suspension was established.

Tamaki was ordered to pay Ms Hill one week's lost wages and \$23,000 as compensation for hurt and humiliation. Costs were reserved.

Hill v Tamaki Labour Hire Ltd [[2025] NZERA 100; 21/02/25; S Blick]

The costly importance of following process

Mr Wakefield commenced employment with Mr Wakelin and Mrs Archer (the Partnership) on 1 June 2022, until his employment was terminated on 17 December 2022. The Partnership were sharemilkers on a farm that they did not own.

Mr Wakefield said that on 17 December 2022, he received a letter headed "Termination of employment", which, among other things, stated, "As discussed, we have reviewed your employment to date and, regrettably, confirm that you will not be offered on-going employment."

Mr Wakefield claimed that the termination of his employment was both procedurally and substantively unjustified. He sought remedies including lost wages as well as compensation for hurt and humiliation.

The Partnership's response was that Mr Wakefield had blindsided Mr Wakelin at a meeting between himself and the farm owner. Mr Wakelin said that Mr Wakefield had been guilty of being angry, aggressive and violent towards the cows. He also said that Mr Wakefield had threatened him and that after dismissing Mr Wakefield, the Partnership had to apply to the Tenancy Tribunal to have him removed from the farm.

On 11 December 2022, Mr Wakefield received a letter inviting him to attend a disciplinary meeting about potential serious misconduct. In the disciplinary letter, Mr Wakelin raised concerns regarding dishonesty and thought Mr Wakefield had breached his duty of confidentiality. The letter stated the allegations could lead to dismissal. The letter also alluded to other matters regarding conduct around animal health.

The next day, Mr Wakefield asked Mr Wakelin what time the disciplinary meeting would be, and he responded that it would be postponed until the following week. The same day, Mr Wakefield advised Mr Wakelin that the matter was affecting his mental health and asked for stress-related time off, which Mr Wakelin rejected and replied with, "If you had just been honest with me, we wouldn't be going through a disciplinary meeting."

The final text of the day from Mr Wakelin advised Mr Wakefield that he was required to take a drug test the next morning and that failure to do so would be considered serious misconduct. Mr Wakefield saw his doctor that morning and was issued with a medical certificate stating he was medically unfit to work for seven days.

On 13 December 2022, Mr Wakelin texted Mr Wakefield stating that he had not shown up for the scheduled drug test and wanted to know the reasons. Mr Wakefield responded that he had seen his lawyer, who informed him that no proper process was taken and that he was therefore not required to take a drug test. He pointed out he was on sick leave and said that Mr Wakelin would receive a letter from his lawyer.

A meeting was then scheduled by Mr Wakefield's lawyer for 20 December 2022. On 17 December 2022, Mr Wakelin texted Mr Wakefield asking, "Are you well enough to attend meeting today around 11.30am, rather than Tuesday, so we can get this s--- sorted out asap?" Mr Wakefield responded saying he did not want to undergo a meeting without legal representation. That evening, Mr Wakelin hand-delivered a letter to Mr Wakefield, terminating his employment and requiring him to move out of his accommodation.

The Authority found the Partnership had not undertaken any investigation into the allegations against Mr Wakefield and the issues were not put to him for his response before the decision of termination was made. The Authority determined Mr Wakefield was unjustifiably dismissed. The Authority ordered the Partnership to pay \$10,984.60 in lost wages and \$18,000 as compensation for hurt and humiliation. Costs were reserved.

Wakefield v Wakelin [[2025] NZERA 108; 24/02/25; G O'Sullivan]

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: Fourteen Bills

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

Credit Contracts and Consumer Finance Amendment Bill (23 June 2025)

Financial Service Providers (Registration and Dispute Resolution) Amendment Bill (23 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 or for further information, call the AdviceLine on 0800 800 362



ENTERPRISE SERVICES

0800 800 362
advice@businesscentral.org.nz
www.businesscentral.org.nz



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.



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.

ENTERPRISE SERVICES

0800 800 362
advice@businesscentral.org.nz
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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.

For regular training updates in your area, subscribe to our Training Update newsletter.

04 470 9930, training@businesscentral.org.nz, businesscentral.org.nz

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.

