

EMPLOYER BULLETIN

21 July 2025

A Weekly News Digest for Employers

EMPLOYER NEWS

Making NZ top destination for international students

The government is going for growth in international education, planing to double the sector's economic value to \$7.2 billion by 2034.

"International education injected \$3.6 billion into our economy in 2024," says Education Minister Erica Stanford.

"On average in 2024, international students spent \$45,000 across the year. That means more visits to our cafes and restaurants, more people visiting our attractions and more jobs being created."

To support this, from November the government will increase in-study work rights from 20 to 25 hours per week for eligible student visa holders. It will also extend eligibility for in-study work rights to all tertiary students.

The government will investigate the possibility of a work visa of less than six months for international graduates who do not qualify for post-study work rights. This would allow them time to seek employment under the Accredited Employer Work Visa (AEWV) pathway. It is also considering making it easier for students to apply for multi-year visas.

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

Employment Relations Amendment Bill passes first reading

Workplace Relations and Safety Minister Brooke van Velden welcomes the successful first reading of the Employment Relations Amendment Bill, calling it a major milestone in helping businesses employ and contract with confidence.

The Employment Relations Amendment Bill will now be considered by the Education and Workforce Select Committee, where people can have their say on the proposed changes.

The legislation clarifies the distinction between employment and contracting arrangements, introduces a \$180,000 income threshold above which unjustified dismissal claims cannot be pursued, and proposes removing the 30-day rule on applying terms of collective agreements.

"I am particularly interested in hearing feedback on whether the gateway test criteria are workable and whether the test covers a variety of genuine contracting relationships," says Ms van Velden.

"I am also interested in hearing feedback on the high-income threshold for personal grievances, both from those who may use it as an employer and those who would be affected as a worker."

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

Government announces \$600,000 support package for flood-affected farmers, growers and foresters

The government is increasing its financial contribution to support rural communities in the Nelson Tasman Region, with additional funding to help farmers, foresters, growers and rural contractors recover from recent severe weather events.

Agriculture and Forestry Minister Todd McClay, speaking during a visit to the Tasman District, announced an additional \$600,000 in government and industry support.

"These regions have experienced significant damage to forests, farms and rural infrastructure. This funding will help meet immediate recovery needs and help rural businesses get back on their feet," Mr McClay says.

The support package contributes to the Mayoral Relief Fund, the Farmers Adverse Events Trust, the Top of the South Rural Support Trust and the horticulture sector. The government is also working on appropriate support for affected vineyards.

"Farmers and growers who need assistance should call their local Rural Support Trust on 0800 787 254," Mr McClay says.

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

Electronic card transactions: June 2025

The electronic card transactions (ECT) series cover debit, credit, and charge card transactions with New Zealand-based merchants. The series can be used to indicate changes in consumer spending and economic activity.

Based on the changes in the value of electronic card transactions for the June 2025 month (compared with May 2025), spending in the retail industries increased 0.5% (\$32 million) and in the core retail industries by 0.7% (\$40 million). Retail categories that went up were consumables (up \$29 million), durables (\$10 million), apparel (\$10 million) and fuel (\$0.2 million). Hospitality went down by \$3.7 million (0.3%) as did motor vehicles (\$5.2 million, which was 2.7%).

Non-retail decreased by \$41 million (1.8%) from May 2025. Services were up \$2.6 million (0.7%). The total value of electronic card spending decreased from May 2025, down \$15 million (0.2%).

For the June 2025 quarter (compared with the March 2025 quarter), spending decreased in the retail industries by \$144 million (0.7%), in the core retail industries by \$48 million (0.3%) and non-retail by \$379 million (5.4%). However, services went up by \$2.3 million (0.2%). Total card spending decreased by \$419 million (1.5%).

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

New Zealand and Malaysia commit to boosting halal meat trade

New Zealand and Malaysia have committed to boosting trade in high-quality halal meat products.

“Malaysia is a significant market for New Zealand’s premium halal meat products, with exports of more than \$60 million last year,” Minister for Food Safety Andrew Hoggard says.

“Malaysia is facilitating the approval of several New Zealand halal meat premises seeking first-time access to this market, which is crucial to growing exports.”

Malaysian authorities will visit the new premises to review their halal production processes as part of the approval process.

This progress was announced at a Halal Forum in Wellington, hosted by Mr Hoggard and Malaysia Deputy Prime Minister and Minister for Rural and Regional Development Dato’ Seri Dr Ahmad Zahid bin Haji Hamidi.

Dato’ Seri Zahid says New Zealand and Malaysia are also working closely together to streamline the export requirements for New Zealand halal meat. Mr Hoggard says the refreshed requirements will help provide certainty for Kiwi producers in areas including registration of new premises, documentation, processing, labelling, packaging, and storage.

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

Getting more Kiwis into jobs

The government’s employment programmes will focus on jobseeker beneficiaries for the next three years, says Minister Louise Upston.

Minister Upston has welcomed an updated Ministry of Social Development employment investment strategy.

“Recent forecasts show that people under the age of 25 on Jobseeker Support are estimated to spend an average of 18 or more years on a benefit over their lifetimes - 49 per cent longer than in 2017,” she says.

“We need to focus on one of New Zealand’s most powerful assets - our young people - and get them straight into first jobs.

“Already in this term, we’ve got 2,100 more places for young people to get community job coaching and work seminars.

“And MSD has kicked off a series of regional employment events, bringing together employers, providers and community organisations focused on a common goal – getting people into work.”

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

New Advanced Tech Institute backs science sector

Science, Innovation and Technology Minister Dr Shane Reti has announced the establishment of a new institute to grow New Zealand’s advanced technology sector and boost high-value exports.

Minister Reti says the new public research organisation, to be named the New Zealand Institute for Advanced Technology (NZIAT), will play a leading role in turning world-class science into commercial success.

“The Institute will focus on breakthrough technologies like AI, quantum computing, and synthetic biology – fields with the potential to transform industries, grow exports, and lift New Zealand’s global competitiveness,” Dr Reti says.

“New Zealand has made significant investments in areas of existing strength, like agri-tech, resulting in our global reputation for cutting-edge agricultural science,”

The Government has committed an initial \$231 million over four years to the Institute. It is intended to have a central base in Auckland and will invest in a network of smaller centres to conduct research with universities, industry, and existing research institutions.

The first major investment, announced in May, is based at Wellington’s Robinson Research Institute, specialising in Future Magnetic and Materials Technologies. The Prime Minister’s Science, Innovation and Technology Advisory Council will confirm more investments after its first meeting today.

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

EMPLOYMENT RELATIONS AUTHORITY: FOUR CASES

CEO's blow up over plane seats has costs for company

Ms McCann was employed as an executive assistant by Winton Capital Ltd (Winton) in late 2022. She reported to the CEO and executive chairman, Mr Meehan. Ms McCann claimed Winton had failed to address distress and harm she suffered from Mr Meehan's verbal abuse and argued she had been constructively dismissed. She also argued Winton breached her employment agreement, by failing to ensure her health and safety while at work, as well its good faith obligations.

It was known throughout Winton that Mr Meehan would swear often and berate employees. The outgoing executive assistant taught Ms McCann that all of Mr Meehan's travel was booked through an agent (the agent) at a boutique travel agency (the agency). In September 2023, Mr Meehan asked Ms McCann for a last-minute flight change, which she passed on to the agent to organise.

Mr Meehan became frustrated when he learned his friends on the flight had upgraded to first class. He did not upgrade himself despite a suggestion from Ms McCann. His seat ended up between the toilet and the bar in the middle of a thoroughfare, in his opinion, "arguably worse than an economy seat". He was not able to get any sleep and had to wait out a long stopover.

Mr Meehan felt that, as part of her role, Ms McCann should have found out what was a good or bad seat if she did not know herself. Ms McCann was unaware of the existence of a "bad" seat, nor had Winton covered the issue before.

On 14 September 2023, Mr Meehan called Ms McCann and foully expressed his dismay at his experience. "This is your... job, just what... have you been doing for the last three... weeks?" he asked. He then said that the agency was "done, do not speak with them, you are not to... ever use them again and if you do I will... sack you."

Mr Meehan claimed Ms McCann had defied prior instructions not to use the agent, which Ms McCann contested. The agent had been used most of the year without trouble and had been mentioned in Ms McCann's confirmation emails without incident.

After the call, Ms McCann went to Winton's HR manager, Ms Cooke, who agreed that Ms McCann did not deserve how she was spoken to, but said, "It will never change... and you will need to decide what to do". Ms Cooke could not offer EAP services because Winton had not approved its implementation yet.

On 15 September 2023, Ms McCann notified Winton that she was unwell, having gotten little sleep and feeling anxious, and would not come into work. An employee thought after talking with Mr Meehan that it was clear the relationship between him and Ms McCann was irretrievable, and he had lost trust in her. Mr Meehan suspected that once she said she was off sick, she would not be returning. Ms Cooke suggested Winton could make an exit offer.

Ms McCann's doctor had advised her she should not make any decisions as she was in a state of shock. She agreed the relationship was broken when asked. Ms Cooke asked Ms McCann if she wanted to engage in a conversation about not returning to work and offered her the exit offer. Ms Cooke assumed Ms McCann would appreciate an "adult and frank" conversation. Ms McCann asked for time to think about the offer and was given the weekend. She was in total disbelief and did not follow Winton's version of events.

Ms Cooke followed up on the Monday morning, but Ms McCann had struggled over the weekend and could not respond to the offer in her state. She said she was signed off work sick for two weeks and could not respond. Ms McCann recalled being warned if she "pushed back" on the offer, Ms Cooke would have to go back to Mr Meehan who would "chop it in half".

Winton suspended Ms McCann's email access on 19 September 2023. Ms McCann resigned on 26 September 2023, citing the treatment she received.

The Employment Relations Authority (the Authority) favoured Ms McCann's version of events. It concluded Mr Meehan had not instructed Ms McCann to avoid the agent. His conduct had been intimidating, offensive and ultimately unjustifiable. He had failed to abide by Winton's workplace policies, nor did he meet his obligations to employees on bullying, appropriate workplace conduct and acting in a fair and reasonable way.

Winton did not provide guidance or a course of action in response to the incident nor implement any process to deal with it. Its internal discussions, and Ms Cooke's exchange, made it clear there was no path back for Ms McCann. Ms McCann did not signal any desire to terminate her employment after the incident, but Winton pursued an exit offer despite her being on sick leave. She had not exhibited animosity and could have just been directed to stay off the system. By removing her, it signalled she was no longer trusted or welcome.

Winton had a duty to deal with Ms McCann in good faith. It fell short of what a fair and reasonable employer could have done in the circumstances. It breached the duty of good faith and the duty to not damage and destroy the workplace trust and confidence. Remaining at Winton became untenable. It was reasonably foreseeable that Ms McCann would resign, and Winton provided no justification for this behaviour. It decided Ms McCann had been constructively dismissed.

The Authority awarded Ms McCann \$25,000 for the hurt and humiliation she suffered. She did not find new work for a while despite searching because the market at her level of executive support was very limited. Based on that, the Authority awarded reimbursement of what she lost as a result of the dismissal, at \$74,846.15. It also considered Winton's breach of good faith warranted a penalty of \$5,000, with \$1,000 going to Ms McCann. Costs were reserved.

McCann V Winton Capital Limited [[2025] NZERA 171; 21/03/25; S Blick]

Employer justified in its restructure

Mr McDermott was a former business development manager (Manager) and business development partner (Partner) for Employsure Ltd (Emloysure). After leaving Employsure, he raised claims in the Employment Relations Authority (the Authority) alleging unjustified disadvantage, breach of his employment agreement concerning the payment of his sales commission, and unjustified dismissal.

Mr McDermott's key roles were to follow up on leads and independently generate his own leads. His letter of offer set out that commission was only payable while he was employed. Initially, leads were shared among the Manager and Partner staff members. Employsure changed that approach from March 2019 so that leads went to the staff member best able to convert them into sales. As a result, the Manager and Partner staff members needed to rely more on generating their own leads. At the end of 2018, Mr McDermott had already been placed on notice through informal meetings that his lead conversion rate was not ideal.

Around October 2019, Employsure implemented a performance management tool (the performance improvement plan or PIP). It involved a five-step approach. At steps one and two, those not achieving their targets would receive support and encouragement. More serious consequences, including termination, could be considered in steps three through five if performance did not improve.

In January 2020, Employsure raised its performance concerns with Mr McDermott as he had not met his targets. It considered moving Mr McDermott to step three in the PIP because he had fallen just short of his targets but kept him at step two and continued providing support. He was reminded again in both March and April 2020 that he was not meeting his targets.

In April 2020, Employsure commenced a restructure in response to financial pressures caused by COVID-19. The proposal sought to reduce the number of Managers and Partners with a selection criteria. Mr McDermott was one of the lower-ranked employees. Mr McDermott offered no comment on his ranking and the decision to disestablish his role was confirmed in May 2020.

Mr McDermott alleged Employsure disadvantaged him through the PIP, despite there being times he did perform well. The Authority found that was not the case. Even with some good performance, the evidence strongly pointed to him underperforming at generating his own leads. While Mr McDermott may have felt disgruntled at the change in his role, Employsure was entitled to channel leads to the staff member best able to convert them into sales. Mr McDermott painted the PIP as a mechanism to move staff on, but the Authority observed that since he never moved past stage two, at no point was he vulnerable to any discipline action or dismissal.

Mr McDermott submitted that Employsure's commission payments policy provided an exception to the base rule, whereby he could still receive commission when he was made redundant. That was in direct conflict with his letter of offer, which explicitly set out that a person needs to be employed by the company in order to receive commission payments. The letter of offer also set out that, where there is conflict, the letter of offer prevails. The Authority found that the commission policy was not incorporated in the letter of offer, so the letter of offer condition was the correct interpretation, and no commission was due.

Mr McDermott challenged the rationale for Employsure's restructure in that its financial records indicated it was in a good financial position. Employsure's argument was that the New Zealand branch was being supported by its Australian parent company. Mr McDermott pointed to figures signed off in July 2021, but Employsure's proposal was based on its financials from 15 months earlier. It was not reasonable to expect the company to be able to accurately forecast its financial position. Evidence of declining sales arising from the pandemic clearly demonstrated the difficult financial circumstances the company faced at the time of its proposal.

Mr McDermott argued the restructure was a sham that targeted staff in the lower North Island. Employsure countered that it was simply a matter of commercial sense to retain the right amount of upper North Island staff to handle the higher sale prospects there. The Authority found no evidence of any ulterior motive in Employsure's restructure process. Its selection criteria based around performance was reasonable. Employsure was not obliged to follow Mr McDermott's proposed criteria of 'last on, first off' and, moreover, Mr McDermott was given an opportunity for feedback and did not take it. The selection criteria was then applied equally across affected staff.

Emloysure's decision was found to be substantively justified and Mr McDermott was unsuccessful. Costs were reserved.

McDermott v Employsure Ltd [[2025] NZERA 187; 01/04/25; P Fuiava]

Authority uses discretion to overrule decision on parental leave payments

MLA was employed as a caregiver from 11 October 2021. She made an application for parental leave payments, which the Ministry of Business, Innovation and Employment (MBIE) declined on 8 March 2024. MLA went to the Employment Relations Authority (the Authority) and sought a review of the decision under the Parental Leave and Employment Protection Act 1987 (the Act).

Around the end of 2023, MLA's stepdaughter became pregnant and asked MLA about taking care of her child. MLA and her husband agreed and picked up the child from the hospital on 8 January 2024. MLA's stepdaughter formally agreed to MLA and her husband adopting the child in a letter dated 17 January 2024, received by MLA on 22 February 2024. Throughout that time, MLA continued to work, as she was not readily able to find someone to care for the child. She made an application for parental leave that day and stopped work on 24 February 2024.

MBIE determined MLA had assumed care of the child with a view to adopt when she took the child from the hospital. It deemed MLA became the primary caregiver for the child at that point. She had to either be on paid leave or parental leave when she assumed care of the child in order for her application to be approved. Instead, she did not stop working after she assumed care of the child. That meant she was not eligible to receive parental leave payments, meaning her application had been correctly declined.

MLA countered that she had not sought to formalise her intent to adopt the child until she had received formal approval from her stepdaughter. However, the Act's strict requirements meant that when MLA continued to work until 24 February 2024, MBIE did not have discretion to approve the application. It fell to the Authority to exercise its discretion in this case.

MBIE suggested that the 14 hours worked over 23 and 24 February 2024 could be treated as keeping-in-touch days (KIT). Under the Act, someone on parental leave may work for up to 64 hours of KIT, but that could only start 28 days after the birth of the child. With MLA working on 23 February 2024, up to 46 days had passed since the birth of the child. The Authority considered MLA's overall circumstances and determined the KIT provisions should be applied specifically to MLA. Her two days of work after

assuming care of the child were therefore classed as KIT days and she became entitled to receive parental leave payments.

Given the relatively short timeframe MLA and her husband had to decide whether to care for and adopt the child, the Authority considered its use of its discretion was consistent with the provisions of the Act, and its purpose of better supporting those who have assumed responsibility for the care of a child in the earliest stages of the child's life.

The Authority therefore exercised its discretion and reversed MBIE's decision where it had declined MLA's parental leave payments. The Ministry was instructed to facilitate parental leave payments as soon as practicable. Costs were reserved.

MLA v Ministry of Business, Innovation and Employment [[2025] NZERA 193; 04/04/25; A Leulu]

Employer's unreasonable approach with employees leads to hefty payouts

The Employment Relations Authority (the Authority) heard two employees' claims together against Employment Group Ltd (Employment Group).

One claimant was Ms Lata, who Employment Group brought on as a business development manager. Her employment commenced in January 2023. She was not provided with a job description. On 2 August 2023, she resigned. She alleged she was unjustifiably disadvantaged and constructively dismissed. The other claimant was Ms Moolman who was employed as a branch manager. She was not given a job description and was not provided with any training. On 27 July 2023, her employment was terminated by trial period. She also raised claims for unjustified disadvantage and unjustified dismissal.

Until around March or April 2023, Ms Lata had been having regular virtual meetings with her general manager, Ms Connelly, who resided in Australia. Ms Lata had been dealing with some complex issues in her work, and when she reached out to Ms Connelly for support, she was often ignored or rebuked. In early June, Ms Moolman became her manager.

At the direction of Ms Connelly, Ms Lata was placed on a performance improvement plan (PIP) on 21 June 2023. The decision to place her on a PIP came out of the blue and largely seemed linked to a government post Ms Lata had shared on social media. After successfully completing her PIP, Ms Lata continued to have issues reaching out to Ms Connelly.

While on sick leave on 13 July 2023, Ms Lata discovered her job was being advertised. On 24 July 2023, Employment Group sought to change her job role without consultation. Ms Lata resigned on 2 August 2023. Employment Group claimed that it justifiably had performance concerns, only changed Ms Lata's job title, and that meetings with Ms Connelly were cancelled because of Ms Connelly's busy schedule.

Ms Moolman commenced her role in May 2023 and noticed issues right away with how the branch was operating. She endeavoured to raise these issues with Ms Connelly and had a similar experience with poor communication. In July 2023, Employment Group lost some key customers. Ms Moolman explained the loss was outside of her control, but Ms Connelly did not accept that explanation.

On 26 July 2023, Ms Connelly and another manager met with Ms Moolman. Ms Moolman was bluntly asked to "do the respectful thing" and resign or face performance management. While Ms Moolman was open to tackling the new goals set for her, she quickly assessed she had been set an unrealistic task. In another meeting the following day, Ms Connelly advised that Employment Group had changed its approach and was going to terminate her employment by relying on the trial period.

Because Employment Group did not attend the investigation meeting, the Authority weighted Ms Lata's evidence quite strongly, and found Employment Group's actions caused her to resign, equating a constructive dismissal. Employment Group unilaterally changed Ms Lata's role without consultation, placed her on a performance management plan without any prior discussions, advertised her role while she was on sick leave, and failed to provide a clear job description and support in her role.

On Ms Moolman's dismissal, the Authority was not satisfied that she had been placed on notice that she was under a trial period. Although the trial period was set out in her employment agreement, the evidence suggested that Employment Group only realised it had that option following the 26 July 2023 meeting. The Authority noted that the employment agreement also included other clauses relating to fixed term and casual employment that were not relevant to Ms Moolman's employment. The Authority deemed Ms Moolman not to be bound by the trial period provision because Employment Group had not done enough to place Ms Moolman on notice that her employment was subject to a trial period prior to her commencing her role.

The Authority was heavily critical of Employment Group's actions. Employment Group provided no evidence for concerns it claimed to have about alleged breaches by Ms Moolman. Neither had they been placed before her for comment. Ms Moolman was instead invited to two different meetings with no indication of what would be discussed. She was then offered the choice of resigning or facing an unrealistic set of goals. Those actions fell well below the actions expected of a reasonable employer. Accordingly, Ms Moolman established her claim for unjustified dismissal.

Employment Group was ordered to pay Ms Lata lost wages of \$15,000 and \$20,000 as compensation for hurt and humiliation. It was ordered to pay Ms Moolman lost wages of \$30,000 and another \$20,000 as compensation for hurt and humiliation. It was also ordered to pay Ms Lata and Ms Moolman \$4,500 towards their costs and the Authority filing fee of \$71.55.

Lata v Employment Group Ltd [[2025] NZERA 194; 04/04/25; A Leulu]

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: Four Bills

Overseas Investment (National Interest Test and Other Matters) Amendment Bill (23 July 2025)

Game Animal Council (Herds of Special Interest) Amendment Bill (24 July 2025)

Immigration (Fiscal Sustainability and System Integrity) Amendment Bill (28 July 2025)

Inquiry into the harm young New Zealanders encounter online, and the roles that Government, business, and society should play in addressing those harms (30 July 2025)

Employment Relations Amendment Bill (13 August 2025)

Legal Services (Distribution of Special Fund) Amendment Bill (14 August 2025)

Online Casino Gambling Bill (17 August 2025)

Overviews of bills-and advice on how to make a select committee submission-are available at: <https://www.parliament.nz/en/pb/sc/make-a-submission/>

[CLICK HERE](#)

A QUICK GUIDE TO HOLIDAY PAY PRACTICES IN NEW ZEALAND



The purpose of the Employer Bulletin is to provide and to promote best practice in employment relations.

If you would like to provide feedback about the Employer Bulletin, contact: comms@businesscentral.org.nz or for further information, call the AdviceLine on 0800 800 362



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AdviceLine is your link to first-rate employment relations advice. Business Central understands the difficulties employers can have with managing employees, so supports you with dedicated employer advisors.



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



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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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.