

# EMPLOYER BULLETIN

4 August 2025  
A Weekly News Digest for Employers

## EMPLOYER NEWS

---

### Overseas products to make it cheaper to build

Thousands of additional building products including plasterboard, cladding systems, external doors, and windows will all be easier to use in construction sites across New Zealand, Building and Construction Minister Chris Penk says.

“Quality overseas building products have been given the green light for New Zealand construction, ending costly monopolies on a small number of products that are currently used in New Zealand,” Mr Penk says.

“It is 50% more expensive to build a standalone home in New Zealand than in Australia. These changes have the potential to reduce total building costs by thousands of dollars.

“There are thousands of well-made, high-performing products that have been tested against rigorous international standards but have faced barriers for uptake here, purely because they have not been specifically tested against our own standards. It will be much easier to use plasterboard manufactured in New Zealand, Australia, UK, Europe and the United States.”

“Later this year, additional pathways will go live enabling more high-quality building products to be used, including over 200,000 plumbing products through the Australian Watermark scheme.”

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

### Building Code pause brings certainty to construction

The government is providing more certainty for the building sector by pausing any new major changes to the Building Code system, Building and Construction Minister Chris Penk has announced.

“Up until now, the Ministry of Business, Innovation and Employment (MBIE) has typically conducted ongoing, rolling reviews of different parts of the Building Code,” Mr Penk says.

“We’re pausing major changes and moving to a predictable three-year cycle for Building Code system updates.

“The pause applies only to major changes outside the three-year cycle. The government will continue to consider straightforward updates when needed, especially those that protect life safety and meet New Zealand’s trade obligations. Changes to support energy efficiency, the Building Product Specifications and fire safety will continue as planned.”

The first regular cycle of Building Code system updates will take place in 2028.

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

### Clearer rules and prequalification guidance to support construction

As part of wider government health and safety reforms, Workplace Relations and Safety Minister Brooke van Velden will be consulting with builders and construction professionals to improve productivity.

“We’re simplifying scaffolding rules and streamlining the prequalification process,” says Ms van Velden. “My officials will be consulting on proposed new rules based on how dangerous the job is.

“One of the other themes I heard was frustration with the wide range of prequalification systems. I’ve asked WorkSafe to work with industry to revise its guidance, including developing free-to-use templates to improve national consistency.

“There is also a need for clearer guidance on overlapping duties. This is when multiple businesses share responsibility for managing risks on the same site. I have asked WorkSafe to develop an Approved Code of Practice [ACOP] on this.”

Work is also underway to update the scaffolding certificate of competence categories.

“Many feel that on-the-job experience should be better recognised. There’s also confusion about what constitutes sufficient training, and frustration with inconsistent advice from regulators,” says Ms van Velden.

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

### Practical safety changes coming for family farms

Workplace Relations and Safety Minister Brooke van Velden has announced targeted consultation with farmers and the wider agriculture sector to ensure health and safety regulations reflect the realities of farm life.

“Farmers have told me the law needs to recognise that the farm is often both their workplace and their home,” says Ms van Velden. “That includes making space for children to safely learn and contribute to farm life.”

One proposed change is to amend the General Risk Regulations to make it clear that young people can safely take part in light chores on family farms.

“I have also heard that farmers and forestry operators want industry-led codes of practice that reflect real-world conditions.”

WorkSafe has been asked to develop two Approved Codes of Practice (ACOPs) in consultation with the agriculture sector, on roles and responsibilities in agriculture and the safe use of farm vehicles and machinery.

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

### Farmer confidence at eight-year high, but still more to do!

Farmer confidence has surged to the highest level in eight years, with Minister of Agriculture Todd McClay describing it as a clear sign of the resilience of New Zealand's farmers and a sector leading the charge towards the government's goal of doubling export value in 10 years.

"The latest Federated Farmers Confidence Survey shows a remarkable shift in sentiment, with confidence lifting from -66% when the government took office to +33% this July," Mr McClay says.

Profitability is at its highest level ever recorded, with two-thirds of farmers reporting they are making a profit. 23% of farmers forecast increased production over the next 12 months and fewer farmers report stress compared with last year.

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

### Regulatory relief for manufacturing sector

Workplace Relations and Safety Minister Brooke van Velden is consulting with manufacturers to help businesses focus on managing genuine risks rather than navigating red tape.

"We're simplifying machine guarding rules and reviewing exposure standards to reduce complexity and improve consistency in the manufacturing sector," says Ms van Velden.

The proposed changes aim to ensure standards reflect real-world risks and align with international benchmarks. Manufacturers have said that the current rules are unclear and difficult to apply.

"We will be consulting on replacing the requirements with a more flexible, risk-based approach. WorkSafe guidance will continue to support businesses in applying appropriate controls.

The Workplace Exposure Standards for soft wood dust, hard wood dust, and welding fumes will be reviewed, with an aim to improve clarity and better align with international standards.

"Businesses expressed frustration that the wood dust standard is impractical and not based on realistic risk assessments. They want a system that is both protective and practical, and these changes aim to provide that."

WorkSafe will also look at updating the Workplace Exposure Standard for flour dust, which is designed to minimise the risk of respiratory problems.

"The review will consider international benchmarks and feasibility considerations, such as measurability," says David Seymour.

This review will be undertaken in consultation with those in the manufacturing sector over the coming months.

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

## Employment indicators: June 2025

Employment indicators provide an early indication of changes in the labour market.

Seasonally adjusted filled jobs for the June 2025 month (compared with the May 2025 month) went up for all industries (0.1% or 3,487 jobs), to 2.34 million filled jobs. Increases occurred for primary industries (up 0.9%) and service industries (0.2%), while goods-producing industries went down 0.2%.

In June 2025 compared with June 2024, there were 2.34 million actual filled jobs, down 1.2%.

Filled jobs went down for most regions compared with June 2024, which included Auckland, Wellington, Manawatū-Whanganui, Hawke's Bay and Northland. It also went down for all age groups from 15 to 34 years old. The filled jobs for being 35 to 39 years old went up 2% (5,435 jobs).

On an accrual basis, the total gross earnings rose \$175 million (1.2%) compared with June 2024. The total gross earnings for the June 2025 month were \$15.4 billion.

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

## Ambitious course set for NZ's geothermal potential

Doubling the production of geothermal energy by 2040 for electricity generation and direct heat applications is part of an ambitious plan to harness the vast potential of New Zealand's geothermal resources, Resources Minister Shane Jones says.

From the Ground Up is a draft strategy to unlock New Zealand's geothermal potential. It aims to extend New Zealand's position as a world leader in geothermal innovation and strengthen regional economies and the Māori economy.

"I see potential for our geothermal sector to expand and diversify," Mr Jones says, "into areas such as the extraction of minerals from geothermal fluid, the development of globally sought-after innovation and science, and more use of direct geothermal energy to power industrial, commercial and agricultural applications."

"We are proposing key actions that address challenges in sector growth such as improving access to geothermal data and insights, ensuring our regulatory settings are fit for purpose, advancing knowledge and uptake of geothermal technologies, and driving science, research and innovation, including our investment to unlock supercritical geothermal technology."

"Consultation closes on 12 September 2025."

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



## EMPLOYMENT RELATIONS AUTHORITY: FOUR CASES

---

### Importance of following abandonment processes

Mr Rix was employed by Rotorua Quarry Ltd (Rotorua Quarry) in February 2022 as a workshop manager. He claimed he was unjustifiably dismissed, while his employer maintained he abandoned his employment. He also claimed unlawful deductions were made from his final pay.

On 22 September 2022, Mr Rix received a call from Mr Maisey, a director at Rotorua Quarry, who was his direct report. At some point that day, the two had an altercation. It was agreed that they had a verbal argument and there was some physical pushing involved. Mr Rix was either pushed onto or fell onto a car, which worsened an arm injury he had. A co-worker testified that Mr Rix grabbed Mr Maisey, but they both let go after three seconds. He did not see Mr Maisey strangle or headbutt Mr Rix, nor did he see Mr Rix fall.

After 22 September 2022, Mr Rix went on sick leave. Two days later, he provided Rotorua Quarry with a medical certificate that required he take a period of leave until 23 October 2022.

Rotorua Quarry rejected any knowledge of a workplace accident occurring. Although it accepted that there was an altercation, Mr Maisey took the position that it was Mr Rix who was angry and who had confronted him. As a result, Rotorua Quarry sought for his contributory conduct to be taken into account.

Mr Rix reiterated his sick leave on 26 September 2022. On 27 September 2022, Mr Maisey texted Mr Rix asking about his whereabouts and if he could give an update. Mr Rix forwarded his medical certificate again on 3 October 2022. Mr Maisey advised the company that Mr Rix had quit his job, and to pay him out and take him off payroll.

Mr Rix stressed that he didn't quit his job, only that he would return his phone and key. He asked the other director if she was aware that Mr Maisey had headbutted and strangled him at work. The next day, Mr Rix received a letter from Mr Maisey terminating his employment by reason of abandonment. It stated Rotorua Quarry deducted two weeks' pay, which amounted to \$3,318.99.

The Employment Relations Authority (the Authority) deemed that the sole reason Mr Rix was terminated from his employment was due to abandonment, rather than the altercation. It found Rotorua Quarry could not rely on such an abandonment, as it did not follow the clause in its employment agreement requiring three days' absence without consent. Mr Maisey also took no steps to contact Mr Rix during his period of absence. The Authority found that Mr Rix was unjustifiably dismissed from his employment.

Mr Rix also claimed he was unjustifiably disadvantaged, being that, based on the altercation, Rotorua Quarry failed to keep him safe at work. Due to Rotorua Quarry not investigating the matter, it was not clear what occurred, and it became difficult to determine if either party was blameworthy. The Authority could not clearly ascertain what disadvantage Mr Rix suffered since he did not return to work and therefore declined his claim.

Rotorua Quarry disputed Mr Rix's claim for lost wages as he was receiving ACC compensation. However, in accordance with case law, receiving ACC compensation did not cancel out an employer's liability for lost wages. The Authority awarded Mr Rix \$22,197.37 in lost wages. It also awarded \$1,920.61 as compensation for the deductions to his final pay, which were found to be unlawful. Finally, it issued \$18,000 for hurt and humiliation. Costs were reserved.

---

**Rix v Rotorua Quarry Ltd [[2025] NZERA 152; 13/03/25; G O'Sullivan]**

---



### Authority straightens out errors in parental leave payment decision

Ms Kaithi worked as a self-employed contractor. On 11 December 2023, she applied for parental leave payments. However, her application was declined due to not fulfilling the eligibility test.

As a result, Ms Kaithi decided to return to work. She then attempted to apply for parental leave payments again around a month later, on 6 February 2025, as she thought she could make an application at any time before the baby turned one year old. Her second application was also declined.

On 24 April 2024, the Ministry of Business, Innovation and Employment (MBIE) notified her that the decision to decline her first application had been reversed – she had in fact been eligible for parental leave payments. However, she then lost that eligibility by returning to work, so it ultimately declined her application again.

Ms Kaithi applied to the Employment Relations Authority (the Authority) to review MBIE's decision. Eligible and entitled applicants must make their application at the earliest deadline of the date they return to work, the date their child reaches 12 months of age, or the date of the first anniversary from the time the applicant became the primary carer.

For an applicant to be eligible, they must have been the primary carer of a child and have satisfied the parental leave payment threshold test. The test required they worked at least an average of 10 hours a week, for any 26 of the 52 weeks immediately preceding the expected date of delivery, or the date at which they first became the primary carer. However, an applicant would indeed cease to be entitled to paid parental leave if they returned to work after giving birth.

The Authority assessed Ms Kaithi's circumstances around the time she first applied for parental leave payments. It decided on the evidence that she had returned to work on 13 December 2023. It also found that if no mistake had been made, her application on 11 December 2023 would have been accepted. It also agreed with her argument that if her application had not been wrongly declined, she would not have returned to work at that time.

The Authority had the power to confirm, modify or reverse an MBIE decision on parental leave applications. It decided to exercise its discretion and directed MBIE to ensure Ms Kaithi received paid parental leave as soon as practicable. Parties bore their own costs.

---

**Kaithi v Ministry of Business, Innovation and Employment [[2025] NZERA 614; 14/10/24; S Kennedy-Martin]**

---

### Employee with messy fixed-term paperwork is granted interim reinstatement

FJS was an experienced general surgeon who, until their employment ended at Te Whatu Ora - Health New Zealand (Te Whatu Ora) in December 2024, worked in the surgical services department at one of its regional hospitals (Hospital A). FJS claimed Te Whatu Ora unjustifiably dismissed them by relying on a faulty and expired fixed-term agreement. FJS lodged their application for interim reinstatement on 20 December 2024.

In December 2021, the Head of Department for Surgery at Hospital A was due to take parental leave. Hospital A wanted to offer FJS a four-month fixed-term contract. FJS moved with their family to live and work in the city where Hospital A was based. What followed were five fixed-term employment agreements between FJS and Hospital A, starting from 17 December 2021 and going through to the final fixed-term employment agreement that began on 10 May 2023.

On 20 December 2023, Te Whatu Ora found an external candidate for its vacancy for a permanent colorectal surgeon. Once that permanent employee started work, Te Whatu Ora said there was no work available for FJS because the rosters were full, and the hospital resources were at capacity.



Te Whatu Ora also began an investigation into bullying allegations made about FJS. Te Whatu Ora wrote to FJS on 24 April 2024, proposing to suspend them. The parties met on 29 April 2024 to discuss the proposal, and Te Whatu Ora proceeded with the suspension on pay. An external investigator ran an extensive independent investigation and delivered their final report on 11 September 2024, which upheld some allegations and found others unsubstantiated.

Te Whatu Ora wrote to FJS on 11 September 2024 saying its fixed-term position of general surgeon would end on 4 December 2024. It did not have further employment to offer because the recruitment process for the permanent position had been finalised, and an incumbent appointed to the permanent role. However, the recruitment process had occurred many months prior.

FJS raised a personal grievance for unjustified dismissal in a letter dated 9 December 2024. It argued that FJS was not a fixed-term employee as purported, but a permanent employee. The claimed basis being the expiry of the final fixed term was merely a pretext, in order for him to not return to work after the allegations he raised. Te Whatu Ora relied on the appointment of a permanent colorectal surgeon, which removed the need for an additional general surgeon to help cover. Once that happened, the final fixed-term agreement stated that there would be no more work for FJS to do, and that the way in which the fixed term would end (if it ended prior to 27 December 2024) would be on 12 weeks' notice. Te Whatu Ora attempted to invoke that clause when it gave FJS 12 weeks' notice on 11 September 2024.

The Employment Relations Authority (the Authority) concluded that FJS had a strongly arguable case that Te Whatu Ora could not rely on the final fixed term expiring to end their employment. It did not meet the requirements of the Employment Relations Act regarding fixed-term employment as it did not explicitly state what the reasons were for the fixed-term agreement, nor did it specify a date or event that would be considered the end of the employment.

Te Whatu Ora had serious concerns about the health and safety of its staff if FJS were reinstated. The Authority's response was that staff wellbeing concerns could be addressed by taking certain kinds of remedial action, which it listed to Te Whatu Ora. FJS had limited options to work in their profession if they were not reinstated on an interim basis, particularly if they stayed in the location they had relocated to.

The Authority ordered FJS's interim reinstatement to the same position they had when Te Whatu Ora dismissed them, or a position no less advantageous, from 24 February 2025. The Authority directed further mediation to assist in managing their return to work. Costs were reserved.

---

#### **FJS v Te Whatu Ora (Health New Zealand) [[2025] NZERA 15; 14/02/2025; L Vincent]**

---

#### **Fair process paramount in handling inability to perform work**

Mr Murray began working for Owaka Motors (2008) Ltd (Owaka Motors) on 7 July 2021 as an apprentice mechanical technician. He was dismissed when he lost his driver licence, which Mr Murray alleged was unjustified.

Owaka Motors director Mr Moore advertised for a qualified mechanic in June 2021, and while Mr Murray was not such a candidate, Owaka Motors was impressed by his application letter and offered him an apprenticeship. The employment agreement's duties and responsibilities for the position included a "requirement of employment to hold and maintain a current driver's licence". It also contained an investigation process, which expressly stated Mr Murray would be given the opportunity to comment on any allegations of misconduct or serious misconduct. Such comments would be considered before Owaka Motors made any decisions.

Mr Murray started work well, even though there were minor issues. However, in November 2022, Mr Moore, learned that Mr Murray had lost his driver licence. In an investigation meeting, Mr Moore restated Mr Murray's duties and pointed to the fact that a licence was a requirement of the role. He was of the view that the role could not be performed without one. Mr Murray only agreed that was true for some of the duties. He left the meeting believing he could still perform the role without a license. However, the matter was not directly discussed with Mr Moore.



Around that time, Mr Murray experienced a significant personal event that required him to take leave for a week at the end of November 2022. On 6 December 2022, Mr Murray texted his employer that he “need[ed] to get back to work so just let me know if I’m good for tomorrow morning”. Mr Moore declined to have him back for the next day, saying Mr Murray needed “to think where your[sic] at as well as me”. He said to “have the rest of the week off” and that they would talk on Monday.

The parties met on 12 December 2022 and Mr Murray was dismissed. Mr Moore explained to him that the decision to terminate his employment was because he had lost his licence and could no longer perform the role. Mr Murray’s recollection was that Mr Moore abruptly said he was done and to take his toolbox and go home. He claimed his licence was not mentioned. Mr Moore and Mr Murray differed on how salient Mr Murray’s licence or mental health matters were to Owaka Motors’ ultimate decision to dismiss him. Given the importance of the licence to Mr Moore and Owaka Motors, the Employment Relations Authority (the Authority) found Mr Moore’s account the more plausible recollection of events.

The Authority deemed that Owaka Motors could have reasonably raised concerns with Mr Murray about losing his licence, but it had not done so in a fair and reasonable way. It ran an insufficient investigation into its concerns before dismissal, even after accounting for the fact that it was a small business with limited resources. It did not adequately raise its concerns with Mr Murray prior to the 12 December 2022 meeting. It also failed to provide Mr Murray with a reasonable opportunity to respond to the concerns and have his views considered before a decision was made. That meant it did not follow the procedural requirements under the Employment Relations Act 2000 or comply with its good-faith obligations. The Authority decided Owaka Motors had unjustifiably dismissed Mr Murray.

Mr Murray also alleged Owaka Motors did not provide him with an employment agreement, which the Authority rejected. Owaka Motors provided Mr Murray with an employment agreement in an early meeting, which he never returned. With several staff corroborating that fact and Owaka Motors being able to produce an agreement when prompted, the Authority found its version of events more likely than it never providing Mr Murray with an agreement at all.

Finally, Mr Murray claimed that Owaka Motors unlawfully discriminated against him on the grounds of mental health by dismissing him for having mental health issues. Mr Moore did say in the meeting that “mental health was not a thing” and that Mr Murray could leave as a result. However, he did not rely on mental health concerns for the dismissal itself. Owaka Motors’ dismissal was therefore not found to be discriminatory on the basis of mental health.

The Authority reduced its remedy for the unjustified dismissal by 15% due to Mr Murray’s contribution of losing his license where, if the process had been run properly, Owaka Motors would have had a substantive basis to have concerns. Its final award was \$10,200 as compensation for hurt and humiliation and \$7,393.30 in lost wages. Costs were reserved.

---

**Murray v Owaka Motors (2008) Ltd [[2025] NZERA 207; 14/04/25; L Vincent]**

---



## LEGISLATION

---

Note: Bills go through several stages before becoming an Act of Parliament: Introduction; First Reading; Referral to Select Committee; Select Committee Report, Consideration of Report; Committee Stage; Second Reading; Third Reading; and Royal Assent.

### **Bills open for submissions to select committee: Nine Bills**

[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)

[Healthy Futures \(Pae Ora\) Amendment Bill](#) (18 August 2025)

[Anti-Money Laundering and Countering Financing of Terrorism \(Supervisor, Levy, and Other Matters\) Amendment Bill](#) (21 August 2025)

[Local Government \(System Improvements\) Amendment Bill](#) (27 August 2025)

[Legislation Amendment Bill](#) (28 August 2025)

[Patents Amendment Bill](#) (4 September 2025)

[Review of Standing Orders 2026](#) (25 September 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



#### ENTERPRISE SERVICES

0800 800 362  
[advice@businesscentral.org.nz](mailto:advice@businesscentral.org.nz)  
[www.businesscentral.org.nz](http://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  
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.

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



## UPCOMING PUBLIC HOLIDAYS

---

**Labour Day** - Monday, 27 October 2025

**Christmas Day** - Thursday, 25 December 2025

**Boxing Day** - Friday, 26 December 2025

**New Year's Day** - Thursday, 1 January 2026

**Day after New Year's Day** - Friday, 2 January 2026

## 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.**