Employer Bulletin

Our Weekly News Digest for Employers

Friday, 13 August 2021

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Cases

Employment Relations Authority: Five Cases

Penalty assessment for breaches of inherently vulnerable migrant employees

A Labour Inspector lodged an application with the Employment Relations Authority (the Authority) claiming wage arrears and breaches of minimum employment standards. The parties had resolved some issues as recorded in a determination on 6 December 2019. This determination dealt with the Labour Inspector's application for penalties which was not addressed in the earlier determination. The Labour Inspector claimed penalties against Saloni Enterprises Limited (Saloni Enterprises), Saloni Holdings Limited (Saloni Holdings) and B Enterprises Limited (B Enterprises). Saloni Enterprises, Saloni Holdings and B Enterprises are collectively referred to as 'the entities' in this summary.

The Labour Inspector claimed that the entities breached the Minimum Wage Act 1983, the Holidays Act 2003, the Employment Relations Act 2000 (the Employment Relations Act) and the Wages Protection Act 1983. The Labour Inspector claimed Mr Singh was a person involved in his capacity as sole Director of the entities and Ms J Kaur, as Mr Singh's wife, who exercised significant influence over the administration and management of the entities. The breaches affected two employees, Mr Kumar and Ms S Kaur. The Labour Inspector also claimed penalties against Mr Singh and Ms Kaur for being persons involved in the breaches.

Mr Kumar was employed by Saloni Enterprises from 5 November 2015 until 30 November 2017. He was also employed by JH Discount Store from October 2016 which was managed by Saloni Holdings. Mr Kumar was then employed by Mount Smart Fresh Supermarket from 1 December 2017 until 27 May 2018 which was operated by B Enterprises. Ms S Kaur was employed by Saloni Enterprises from September 2014 until 23 January 2019. The entities, Mr Kumar and Ms S Kaur are collectively referred to as the respondents in this summary. The breaches the Labour Inspector identified were acknowledged by all the respondents in the earlier determination.

The framework for assessing and fixing penalties is contained in section 133A of the Employment Relations Act and is set out in *Borsboom v Preet PVT Limited*. In *A Labour Inspector v Matangi Berry Farm Limited*, Judge Corkill applied an approach to penalty setting which assessed the factors in section 133A of the Employment Relations Act and then applied those and other considerations using the four-step process in *Preet* to quantify the penalty.

The maximum penalty for Saloni Enterprises was $300,000 in respect of 15 breaches, Saloni Holdings was $100,000 for five breaches, B Enterprises was $140,000 for seven breaches, $270,000 for Mr Singh for 27 breaches and $270,000 for Ms J Kaur for 27 breaches. Mr Kumar was owed $40,000 in wage arrears and Ms S Kaur was owed

$50,000 in wage arrears. This money had since been paid, but the respondents benefitted financially by not paying the entitlements when they became due.

Ms S Kaur was paid $18 per hour, to meet Immigration's policy for the work visa, but had to pay back $11 per hour in cash meaning her hourly wage was actually $7. The Authority held that the breaches were intentional and the affected staff were migrant employees, who the Employment Court has characterised as vulnerable. The inherent power inequality in the employment relationship was amplified by the fact that the affected employees relied on their employers to support their immigration status. Furthermore, at times during Mr Kumar's employment, he was unlawfully in New Zealand. During these times bank records showed that no wages were paid to him in an attempt to deceive Immigration. Mr Kumar continued to work and was paid cash during these times.

The Authority globalised breaches for incorrectly paying annual holidays, public holidays and alternative holidays, and the failure to keep and maintain wages and time and holiday and leave records. This consequently reduced the penalties. The severity of the breaches were submitted by the Labour Inspector, to which the Authority agreed to a reduction of 50 per cent for record keeping breaches and 70 per cent reduction for all other breaches. The Authority further reduced 60 per cent for Saloni Holdings and 50 per cent for all other respondents as first-time offenders.

The Authority then assessed the respondent's ability to pay the penalties. The Authority noted that Saloni Enterprises had limited ability to pay as it had not traded for the last six months due to a fire. Saloni Holdings had sold its JH Discount Store and was no longer operational. B Enterprises was making a loss each year. Mr Singh and Ms J Kaur were sustaining their family and paying off mortgage repayments. The Authority then held that the penalties were proportionate to the breaches.

The Authority held that the following penalties were to be paid within 28 days of this determination. Saloni Enterprises was ordered to pay $20,000, Saloni Holdings was ordered to pay $7,000, B Enterprises was ordered to pay $10,000, Mr Singh was ordered to pay $15,000 and Ms J Kaur was ordered to pay $5,000. Costs were reserved.

A Labour Inspector v Saloni Enterprises Limited [[2021] NZERA 236; 01/06/2021; V Campbell]

Employer unlawfully deducted wages from final pay for damage caused from negligence during employment

Veer Enterprises Ltd (Veer Enterprises) dismissed Mr Singh from his position as a Truck Driver on 23 March 2020. Mr Singh sought two weeks' unpaid notice, lost wages and compensation. He also sought a penalty under the Wages Protection Act 1983 (the Wages Protection Act) for deductions from his pay.

Mr Singh was given two weeks' notice by text message from Mr Dhaliwal, Director of Veer Enterprises, after Mr Singh posted a message to a WhatsApp group that Veer Enterprises had set up. Mr Singh's message included a headline from a Stuff column which read, "*If an employer is not able to provide work due to a Government shutdown, they will still likely be required to pay their employees*."

A subsequent email from Mr Dhaliwal also raised issues of punctuality and damage from accidents as reasons for the termination. Mr Dhaliwal claimed Mr Singh had agreed to deductions from his salary to reimburse Veer Enterprises for damage caused by accidents in October 2019 and January 2020. Mr Singh responded stating that he did not agree and asked for evidence of the lack of punctuality.

Mr Singh worked his usual shifts on 23 and 24 March 2020. On 25 March 2020, Mr Dhaliwal declined to provide a certificate requested by Mr Singh to show he was working in an essential service. Mr Singh then asked to be paid without deduction and did not work again for Veer Enterprises. Notes on Mr Singh's final two payslips showed that several thousand dollars had been deducted. A note on one payslip said the amount was for "*damage cost deducted*".

Before starting his job with Veer Enterprises, Mr Singh claimed that he was told he would receive a minimum of 50 hours work every week. Mr Dhaliwal denied this and claimed that the hours were usually more than 50 each week but there was no guaranteed minimum. The Employment Relations Authority (the Authority) decided that Mr Singh had not established that his terms of employment included a guarantee of 50 hours work each week. His claim for an order of arrears of wages for these hours therefore failed.

However, the Authority determined that deductions made from Mr Singh's salary in February and March 2020 totalling $3,801.25 were unlawfully made. It is well established that an employer may not seek to recover damages from an employee arising from acts of negligence committed during the course of their duties. Employers have access to other means of addressing such issues, including disciplinary action.

Furthermore, the Authority held that Veer Enterprises could not reasonably rely on a provision in the employment agreement to authorise the deduction because the clause was too broad. Mr Singh was not consulted about the specific deductions and had not given the legally required written consent for a deduction to be lawful. The Authority noted that even if consent was given, it was clearly withdrawn by Mr Singh's text on 25 March 2020. Veer Enterprises was ordered to reimburse Mr Singh $3,801.25, plus interest.

Veer Enterprises was also liable for a penalty for breaches of the Wages Protection Act of up to $20,000. The Authority took into account the inherent inequality of power in employment relationships, and that it was a first offence. Giving weight to the need to deter employers from making unlawful deductions, the Authority decided $3,000 was an appropriate penalty to impose, payable to the Crown.

Veer Enterprises provided no evidence to support allegations around the lack of punctuality. In addition to this, Mr Dhaliwal did not give any sufficient explanation as to why Veer Enterprises had waited more than eight weeks to dismiss Mr Singh for the accidents. The Authority held that the decision Mr Dhaliwal made to dismiss Mr Singh, and the way he did so, was unjustified. Mr Singh had established his personal grievance and was entitled to an assessment of remedies.

Mr Singh had formed the view that he could not continue working through his notice period because Mr Dhaliwal refused to provide the required paperwork. The Authority took the average of Mr Singh's work hours from early January 2020 through early March 2020 and ordered Veer Enterprises pay Mr Singh $6,750 lost wages.

The Authority held that Mr Singh's dismissal occurred in a deliberately humiliating way through a WhatsApp message distributed to other Truck Drivers. Mr Singh was embarrassed by being unable to contribute towards the costs of his brother's wedding. The Authority considered $10,000 an appropriate sum as compensation for humiliation, loss of dignity and injury to feelings.

Mr Dhaliwal accepted that he was responsible, as sole Director of Veer Enterprises, for the decision to deduct amounts from Mr Singh's pay and to withhold wages and holiday pay at the end of his employment. Accordingly, Mr Dhaliwal was a person involved in a breach of employment standards under the Employment Relations Act 2000. Mr Singh was granted leave to recover from Mr Dhaliwal money owed to him in breach of employment standards if Veer Enterprises defaulted on the sum of $3,801.25, plus interest, for unlawfully deducted wages and holiday pay. Costs were reserved.

Singh v Dhaliwal [[2021] NZERA 247; 10/06/2021; R Arthur]

Employee was justifiably dismissed following formal management of performance issues

Mr Bernard worked for Regus New Zealand Management Limited (Regus New Zealand) as an Area Sales Manager until he was dismissed on 9 April 2020 and paid in lieu of notice. The dismissal followed a number of interactions between Regus New Zealand and Mr Bernard over his performance. Mr Bernard claimed he was unjustifiably dismissed. Regus New Zealand stated the dismissal was justified.

The employment agreement did not contain a job description or set minimum job requirements such as sales targets. Regus New Zealand claimed that all Area Sales Managers were given comprehensive induction and training, which was provided to Mr Bernard. Regus New Zealand claimed it set targets and tracked achievements against targets for all Area Sales Managers, which was allegedly known by Mr Bernard.

Regus New Zealand had to show that its actions and how it acted were what a fair and reasonable employer could have done in all the circumstances at the time. The Employment Relations Authority (the Authority) had to consider whether Regus New Zealand sufficiently investigated the allegations, raised its concerns with Mr Bernard, gave Mr Bernard a reasonable opportunity to respond and genuinely considered Mr Bernard's explanations before the decision to dismiss

was made. The Authority also had to consider whether other factors were relevant, whether Regus New Zealand breached its duty of good faith, if Mr Bernard was unjustifiably dismissed, and what remedies should be awarded.

There was a well-documented trail of exchanges from 2 July 2019, between Regus New Zealand and Mr Bernard, to demonstrate that Regus New Zealand raised its concerns about Mr Bernard's performance. In that email, discussions from previous weeks and specific concerns about not meeting metrics and below standard performance were referred to. A performance plan was subsequently implemented. A letter dated 31 March 2020 also identified substantially similar performance concerns. The Authority accepted that Regus New Zealand was motivated to assist Mr Bernard to lift his performance. Various support was given to Mr Bernard such as online training, shadowing of colleagues and a Senior Manager pretending to be a client with further training from a Team Leader.

The Authority noted that Mr Bernard's employment agreement did not have a job description and minimum requirements such as expected sales levels. However, the Authority noted that the employment agreement required compliance with staff rules and policies. It was well established with the documentation trail that Mr Bernard was aware of, and agreed to, specific sales performance targets. The Authority found that Regus New Zealand raised its concerns and sufficiently investigated them before dismissing Mr Bernard.

Regus New Zealand failed to advise Mr Bernard of his right to seek support, advice and representation from Ms Olsen, Mr Bernard's representative. Regus New Zealand initially did not treat Ms Olsen as Mr Bernard's representative however, exchanges and arrangements for Ms Olsen's involvement demonstrated that Mr Bernard responded through Ms Olsen prior to the dismissal. The Authority held that Regus New Zealand's failure to expressly advise Mr Bernard about representation and its initial resistance to Ms Olsen exercising that role, was a minor procedural defect that did not result in any substantial unfairness to Mr Bernard.

Regus New Zealand raised its dissatisfaction of Mr Bernard's performance to him in June 2019. Performance standards were set and reset through exchanges with Mr Bernard. The information given to Mr Bernard was comprehensible and clear. The Authority held that Regus New Zealand fairly put its tentative conclusions to Mr Bernard, it listened to Mr Bernard's explanation with an open mind and considered those explanations. The Authority held that Regus New Zealand genuinely considered Mr Bernard's explanations.

Regus New Zealand was active and constructive in seeking to maintain a productive employment relationship with Mr Bernard. The Authority held that Regus New Zealand's actions and how it acted were what a fair and reasonable employer could have done in the circumstances at the time. Mr Bernard's claim was dismissed. Costs were reserved.

Bernard v Regus New Zealand Management Limited [[2021] NZERA 238; 04/06/2021; P Cheyne]

Application for suppression of determination dismissed by the Employment Relations Authority

On 12 May 2021, the Employment Relations Authority (the Authority) issued a preliminary determination in relation to Mr Straayer's various claims before the Authority. Mr Straayer asked that the publication of the preliminary determination be delayed until the Authority issued its determination of the substantive claims he had brought against his former employer, WorkSafe New Zealand (WorkSafe). The Authority denied the request for the delay and the reasons for this are outlined within this summary.

Mr Straayer had brought several claims against WorkSafe. In January 2021 Mr Straayer's application for interim reinstatement was heard in the Authority. Interim reinstatement was declined in an Authority determination of 9 February 2021. Ten days after that determination had been issued to the parties, and subsequently posted on the Employment law database (the database), Mr Straayer asked the Authority to suppress the determination until his substantive claims against WorkSafe were determined. Mr Straayer argued that the interim determination of his application for reinstatement would likely affect his prospects for obtaining employment if it remained on the database, which is publicly searchable. This request was declined by the Authority.

Mr Straayer was not seeking a suppression order, in that he was not seeking the suppression of his name or of the facts. He sought a delay in the posting of the determination on the Database until his substantive employment relationship

problems were determined. WorkSafe commented it neither supported nor opposed Mr Straayer's application for non-publication.

The Supreme Court in *Erceg v Erceg* referred to a high standard being required for a departure from the principle of open justice and stated that *"the party seeking the order must show specific adverse consequences that are sufficient to justify an exception to the fundamental rule*". The Authority had found Mr Straayer's reasons for seeking suppression of the determination did not meet that high standard.

The Authority regarded Mr Straayer's delay request, made after the 12 May 2021 determination was issued, as seeking the suppression of the determination for an indeterminate period. The substantive matter had not yet been scheduled for investigation therefore it was unlikely to be heard for several months.

The determination on 12 May 2021 concerned procedural matters and was not concerned with the merits of the matters Mr Straayer had brought to the Authority for determination. The Authority determined it was unlikely to impact negatively on Mr Straayer. Mr Straayer argued that the publishing of the determination would have affected his ability to obtain employment. His employment with WorkSafe was terminated in October 2018. The first determination was posted on the database two years and four months later in February 2021. The lapse of time made it problematic to attribute lack of success in obtaining employment to the publication of an Authority decision.

Mr Straayer had not shown specific adverse consequences sufficient to justify an exception to the fundamental rule of open justice. For the reasons given above, the Authority concluded that Mr Straayer's application for suppression of the determination resolving his application for interim reinstatement was dismissed. There was no mention in the determination for costs.

Straayer v Worksafe New Zealand [[2021] NZERA 254; 15/06/2021; T MacKinnon]

Failure to manage heat of the moment situation resulted in constructive dismissal

Cafixr Auto Services Limited (Cafixr Auto Services) services motor vehicles and carries out warrant of fitness inspections. Mr Hargreaves claimed one or more conditions of his employment were affected to his disadvantage by the unjustified actions of Cafixr Auto Services and that he was unjustifiably dismissed on 2 December 2019. Mr Hargreaves claimed that Mr Clark, sole Director and Shareholder of Cafixr Auto Services, had acted unreasonably after a car accident. Mr Clark acknowledged there was a discussion on 2 December 2019 which resulted in Mr Hargreaves leaving, but claimed that it did not constitute a dismissal.

On 19 March 2019, Mr Hargreaves was instructed to collect car parts from a supplier, about 100 metres away from the workshop. When Mr Hargreaves left the supplier, a vehicle collided with his vehicle. The damage caused to the second vehicle amounted to $7,855.60. In July 2019 Mr Hargreaves received a letter from the second vehicle's owner's insurance company advising him that the insurance company had attempted to contact him to discuss payment for the repairs. Mr Hargreaves was asked to contact its 0800 number and was told that if he did not call within seven days the insurance company would commence debt recovery action against him. Mr Hargreaves did not make contact and instead passed the letter on to Mr Clark.

On 13 November 2019 Mr Hargreaves received a further letter from the insurance company asking him to contact it immediately or face recovery action. Mr Hargreaves claimed that he approached Mr Clark on 2 December 2019 asking if they could talk about the letter however, Mr Clark said he was too busy. About fifteen minutes later, Mr Hargreaves approached Mr Clark again. This time Mr Clark said he had too many things to do and did not want anything to do with it. Mr Clark allegedly said that if Mr Hargreaves did not like it, he could get his tools and get out. Mr Hargreaves packed up his toolbox, left the workshop and did not return. Mr Hargreaves said he took Mr Clark's comment that if he didn't like the situation he could leave as constituting his dismissal. He heard nothing further from Mr Clark and raised a personal grievance on 20 December 2019.

The Employment Relations Authority (the Authority) decided that the question was whether, by his words and actions, Mr Clark had sent Mr Hargreaves away. The Authority regarded the situation as occurring in the heat of the moment and noted that in such situations a cooling off period should be allowed. This is consistent with the mutual obligation of good

faith which requires the parties to be responsive and communicative in establishing and maintaining an employment relationship.

The Authority stated that if Mr Clark had not intended for the relationship to end, he should have checked if Mr Hargreaves intended to return to work. He should have made it clear that he did not intend to terminate the employment relationship. Mr Clark had attempted to contact Mr Hargreaves through social media but had been blocked so was unable to make contact. The Authority concluded that Mr Clark dismissed Mr Hargreaves by saying that if Mr Hargreaves did not like Mr Clark's position he could leave.

The Authority held that Cafixr Auto Services' actions on 2 December 2019, and failure to follow up after Mr Hargreaves left were not actions an employer acting fairly and reasonably could take. Mr Hargreaves was unjustifiably dismissed and was entitled to a consideration of remedies. While Mr Hargreaves sought a payment equivalent to six months' pay, the Authority did not choose to exercise its discretion to award a greater sum than the three months. This was because Mr Hargreaves could not show the Authority that he had made genuine attempts to mitigate his loss. Furthermore, Mr Clark had offered Mr Hargreaves his job back soon after raising his personal grievance. The Authority calculated an appropriate award for lost wages was $7,904.

Mr Hargreaves claimed $23,000 compensation for humiliation, loss of dignity and injury to feelings. The Authority found aspects of his evidence to have been exaggerated and awarded compensation of $10,000. The Authority acknowledged that good faith is a mutual obligation and said that it was incumbent on Mr Hargreaves to check his understanding that he had been dismissed. Instead, he took steps to ensure Mr Clark could not contact him through social media by blocking him. The Authority assessed the level of contribution by Mr Hargreaves to be at 20 per cent. Remedies were reduced accordingly.

The Authority ordered Cafixr Auto Services to pay Mr Hargreaves lost wages of $7,904 and compensation of $8,000. Costs were reserved.

Hargreaves v Cafixr Auto Services Limited [[2021] NZERA 271; 24/06/2021; V Campbell]

For further information about the issues raised in this week's cases, please refer to the following resources:

Employment Relations Act

Deductions (Wages Protection)

Performance Management

Employment Relations Authority

Personal Grievances

Employer News

Govt will be equal to latest climate science

A collective effort involving every sector of the economy, every community, and almost every government agency and their Minister will be needed to avert a climate crisis, the Minister for Climate Change, James Shaw said today in response to the release of the latest scientific evidence on global climate change, its impacts and future risks.

The Intergovernmental Panel on Climate Change (IPCC) is the world's leading authority on climate science. Its latest report released today has been authored by thousands of scientists and reviewers from more than 100 countries, including

Aotearoa New Zealand. The findings provide the starkest warning yet of the risk facing our children, our planet, and future generations, unless urgent action is taken.

"Right now, Ministers and agencies are discussing what action they will take to bring down emissions in their sector, which will form the basis of our forthcoming Emission Reduction Plan. We must use this chance to review progress and make sure the actions we are committing to will cut emissions in line with what the latest science requires. Anything less will not be enough.

"The findings of the IPCC reaffirm those of the Climate Change Commission and confirm why this Government is right to prioritise climate action," James Shaw said.

To read further, click the link below.

New Zealand Government [9 August 2021]

Bill cracking down on unfair commercial practices passes third reading

Legislation to protect New Zealand consumers and business against unfair commercial practices has passed its third reading in Parliament today.

The Fair Trading Amendment Bill targets the use of pressure tactics, deception, one-sided contract terms and practices that exploit the vulnerabilities of a consumer or small business.

"With the passing of this Bill we have made clear that business practices in New Zealand should be conducted fairly and reasonably. The majority of businesses already operate honestly and should have no cause for concern about these new changes," David Clark said

"We are tightening the screws on unfair and dishonest business activity, which has no place at any point in time, but especially as our economy recovers from the impact of COVID-19."

The Bill adds to the existing protections put in place under the Fair Trading Act 1986 by;

- Prohibiting unconscionable conduct in trade
- Extending unfair contract term protections to include small trade contracts worth $250,000 a year or less.
- Legally empowering consumers and businesses to demand uninvited sellers, such as door-to-door salespeople, to leave their property, including through the use of "do not knock" stickers.

"When I say unconscionable conduct, I'm talking about business practices that go beyond what can be deemed commercially necessary. Put simply, these amendments seek to stop big and powerful firms using their position to bully smaller businesses and consumers.

"Gone are the days where small firms have to either grin and bear unfair contract terms or walk away from valuable business without redress," David Clark said.

Businesses that are found to act unconscionably will face fines of up to $600,000, and those breaching the rules around uninvited direct sales could face penalties of up to $30,000.

To read further, please click the link below.

New Zealand Government [11 August 2021]

Employment indicators: Weekly as at 9 August 2021

The experimental weekly series provides an early indicator of employment and labour market changes in a more timely manner than the monthly employment indicators series.

To read further, please click the link below.

Statistics New Zealand [12 August 2021]

Government sets out plan to reconnect New Zealanders to the world

- Vaccination rollout will speed up, with all eligible ages able to book in their vaccine by 1 September
- Move to 6 weeks between doses to ensure more NZers at least partially vaccinated as soon as possible in face of Delta risk
- Phased approach to reopening border with self-isolation pilot this year and set up of new testing and vaccine checking systems at border
- From the first quarter of 2022 move to new individual risk based border settings that will establish low, medium and high risk pathways into the country
- Elimination retained as best strategy to keep COVID out and economy open

The Government will use the second half of 2021 to vaccinate as many New Zealanders as possible and safely conduct a self-isolation trial for vaccinated New Zealanders in order to prepare for a phased resumption of quarantine-free travel, Prime Minister Jacinda Ardern announced today.

The Government's framework for re-opening borders and moving to an individualised risk-based model for quarantine-free travel was unveiled at a forum on Reconnecting New Zealanders to the World in Wellington today. The release of the plan followed the publication of Sir David Skegg's Strategic COVID-19 Public Health Advisory Group's advice to Government on Wednesday.

"Getting vaccinated is the number one thing everyone can do to be protected against COVID-19, help accelerate our economic recovery, reduce the risk of lockdowns, and safely allow New Zealand's borders to begin re-opening next year," Jacinda Ardern said.

"The plan announced today is informed by the best available scientific evidence and public health advice. It will allow us to capture the opportunities vaccination brings, while protecting the gains New Zealanders have worked so hard for.

"Key to this is maintaining our Elimination Strategy. The advice is clear: If we open our borders now we will lose the freedoms and advantages we have achieved so far.

"If we give up our elimination approach too soon there is no going back, and we could see significant breakouts here like some countries overseas are experiencing who have opened up early in their vaccination rollout.

"Therefore the first step in our plan is speeding up the vaccination process to ensure everyone is at least partially vaccinated as soon as possible to reduce the risk and impact of Delta entering the country.

"From today we are moving to a six week period between doses, meaning more people can get their first dose quicker and ensuring everyone is at least partially vaccinated in the coming months. Those who work at our border, have underlying health conditions or wish to be fully vaccinated sooner can still get their second dose after three weeks.

"We are also bringing forward the eligibility dates for the remaining groups. As already announced 50 plus will be open from Friday 13th August, 40 plus will be open on Wednesday 18th August, 30 plus will be open on Wednesday 25th August and from 1 September we will be open for all eligible ages.

"Once enough people are vaccinated, we will be able to start the next step in the plan: a phased introduction of an individual risk-based approach to border settings in 2022.

"Low-Risk, Medium-Risk and High-Risk travel pathways will be created, and which pathway a traveller takes will be based on the risk associated with where they are coming from and their vaccination status.

"Each pathway will have testing and isolation requirements proportionate to that risk.

"The Low-Risk pathway will permit quarantine free entry for vaccinated travellers who have been in low risk countries.

"The Medium-Risk pathway would include a combination of self-isolation and/or reduced MIQ for vaccinated travellers who have been in medium risk countries.

To read further, please click the link below.

New Zealand Government [12 August 2021]

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: Ten Bills

Ten Bills are currently open for public submissions to select committees.

Inquiry into the Review of the Radio New Zealand Charter (13 August 2021)

Maritime Powers Bill (15 August 2021)

Biosecurity (Information for Incoming Passengers) Amendment Bill (16 August 2021)

Holidays (Parent-Teacher Interview Leave) Amendment Bill (18 August 2021)

Ngāti Maru (Taranaki) Claims Settlement Bill (18 August 2021)

Crown Minerals (Decommissioning and Other Matters) Amendment Bill (19 August 2021)

Inquiry into the current and future nature, impact, and risks of cryptocurrencies (2 September 2021)

Inquiry into the future of the workforce needs in the primary industries of New Zealand (23 September 2021)

Inquiry into school attendance (30 September 2021)

Inquiry into illegal, unregulated, and unreported fishing (1 October 2021)

Overviews of bills - and advice on how to make a select committee submission - available at:

https://www.parliament.nz/en/pb/sc/make-a-submission/

The Employer Bulletin is a weekly update on employment relations news and recently published legal decisions. It is EMA's policy to summarise cases that contain legal issues relevant to employers. 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 advice@ema.co.nz

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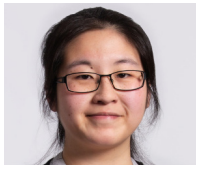

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