

# EMPLOYMENT NEW ZEALAND



MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT  
HIKINA WHARATUTUKI



Welcome to the Employment New Zealand newsletter. Here you will find the latest news and information about employment rights and responsibilities.

## Public holiday to mark passing of Queen Elizabeth II



To mark the passing of Queen Elizabeth II, the Government has announced a one-off national public holiday, to take place on Monday 26 September 2022.

Employees get a paid day off on a public holiday if it's a day they would otherwise have been working.

There are specific rules for paying employees for public holidays when they fall within a period of leave such as annual, sick and bereavement leave, or during a business close-down period.

[Find out more about leave entitlements for a public holiday](#)

[Find out more about the one-off public holiday](#)



### **Most COVID-19 rules have now ended**

New Zealand's COVID-19 Protection Framework (traffic lights) ended at 11.59pm on Monday 12 September.

With case numbers falling, a highly vaccinated population, and increased access to antiviral medicines to treat COVID-19, public health experts say it is safe to remove most COVID-19 rules and end border restrictions.

Please note that the following still apply:

- You must still isolate for 7 days if you have COVID-19.
- You must wear a face mask in healthcare facilities, such as hospitals.

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### **Focus on Fair Pay – FPAs vs existing ways to bargain**

The proposed system of Fair Pay Agreements would provide a new bargaining tool that reaches beyond the individual or collective, bringing together employers and unions to set minimum terms and conditions across an occupation or industry. The proposed system would not, however, prevent individuals, unions and employers from negotiating individual or collective terms above the provisions of a fair pay agreement.

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### **Employment Court rules on lockdown leave requirement**

The Employment Court has ruled that, due to process errors, an employer was not entitled to require its employees to take annual leave during the nationwide Level 4 lockdown in 2020. The case is the first to examine the Holidays Act with regard to an employer directing employees to take leave during a period of lockdown.

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### **Tips to speed up processing of records of settlement**

Parties to an employment dispute can come to an agreement themselves. However, to make sure it can be enforced, a 'record of settlement' should be written down and sent to the Employment Mediation Services (EMS) to be checked and signed by a mediator.

The EMS signs over 9000 records of settlement each year. To assist in the prompt processing of your agreement, please make sure:

- the agreement is clear and readable
- all parties have signed the agreement
- reliable contact phone numbers and emails are provided on the settlement next to the signatures

- signatories are told to expect a call from a mediator to confirm the agreement
- wages, salary, and other statutory entitlements are taxable and not paid under the compensation section 123(1)(c)(i)
- if parties are still in an employment relationship, that the document refers to the settlement of the specific problem.

[Find out more about creating a record of settlement](#)

[Use our Record of Settlement template](#)



### **How to resolve workplace issues before they become more serious**

The Ministry of Business, Innovation and Employment (MBIE) provides a free phone-based service to help resolve workplace issues early, quickly and informally – before they become more serious and require a more formal process. Find out how the Early Resolution service works, and where to start.

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