

# LHNews

THE NEWSLETTER OF LANGTONHUDSON



## We've Got News!

In line with our commitment to home-growing our talent and partners, we are thrilled to welcome Emma Crowley to the partnership table, alongside Stephen Langton, Ronelle Tomkinson and Laura Briffett.

Before qualifying as a practising lawyer and joining LangtonHudson, Lawyers as a Law Clerk, she worked in HR at an Intellectual Property firm.

Emma has a large advisory practice in which she provides practical and legally proficient advice to clients on a breadth of issues, including day to day operational employment issues as well as assisting

them with more technical matters and disputes.

Emma has significant experience representing both employers and employees in mediation and has assisted with litigation in the Employment Relations Authority, Employment Court and Human Rights Review Tribunal.

"She's worked hard to achieve this career milestone and it's nice for it to happen at the same time as we celebrate the firm's 20th anniversary. Since our beginnings we've been about making a difference in our jurisdiction and specialist area, and 1 plus 1 equaling three. Emma's admission to the partnership ticks both boxes", said Stephen Langton, Managing Partner. "Hat tip to you Emma".



# Desperate Times, Desperate Measures - Fraud in the Workplace

Employers of all sizes and across industries and professions should be alert to the risk of fraud, particularly during times of economic downturn. Deception by employees for their own personal or financial gain can take countless forms, whether it's falsifying expenses, creating or fabricating invoices, or allowing friends to access staff discounts. This article provides some tips on identifying irregularities, what to do if you discover them, and how to prevent fraud in the first place.

The recent case of *WVS v Adlam* [2025] NZERA 122 highlights the extent to which an employee can be held accountable for misappropriating funds. In that case, a Property Management Administrator was ordered to repay \$869,112 which she had taken from her employer over a period of several years.

## **WHAT TO DO WHEN IRREGULARITIES ARE UNCOVERED**

Irregularities in finances often surface whilst a perpetrator ("P") is on annual leave, or after their employment has ended when another employee has stepped in to cover their role.

The first step is to alert the right person or people. Although it will depend on the seniority of P, this will generally be one of the senior leadership team or a board member.

The next step is to investigate, urgently and discreetly. The purpose of the initial investigation is to uncover the nature and the extent of the fraudulent activities and to gather as much information as possible to paint a picture of what has happened to inform next steps. Although it is an internal investigation, assistance may be required from external IT and/or accounting forensic specialists. External suppliers and/or customers who have been unknowingly involved in the fraud may also need to be contacted.

Confidentiality is key. The irregularities and investigation should be kept to a closed circle involving the fewest people possible, to avoid tipping off P. If P is tipped off they may dissipate assets required for repayment and/or destroy relevant evidence.

## ACTION AGAINST THE PERPETRATOR

If P is still employed, an employer can commence a disciplinary process. Fraud is likely to justify dismissal, as it involves deception and dishonesty. However each case will turn on its own facts and employers should always ensure they have followed a fair disciplinary process and take advice.

## Civil litigation options

Employers can pursue claims in the Employment Relations Authority for breaches by P of their employment duties to recover financial losses. Key duties will be express contractual duties to act in the employer's best interests and the requirement to follow company policies (especially regarding finance processes and misappropriation of funds), but implied duties of good faith and fidelity will also be relevant.

Freezing orders can be sought in the Employment Court to prevent an employee from disposing of assets required to meet any damages claim, whilst litigation is underway. Ancillary orders can be bolted on to require P to disclose particular assets or liabilities (usually bank accounts and interests in property), over which further freezing orders may apply.

The threshold to meet to obtain a freezing order is high, particularly if the application is made "without notice" (to avoid tipping off P). The recent case of *LAF v MEC* [2025] NZEmpC 23 held that an order may be denied where the judgment would be of no practical effect due to a respondent having insufficient assets, which highlights the importance of moving swiftly before monies are spent.

Open justice requires that judgments and the names of parties are published and publicly available. However, the circumstances of a fraud may mean that the employer or P may want to seek non-publication orders over their name(s). Once again, the bar is high and specific adverse consequences must be proven that override the public interest in open justice.

## Criminal charges

A natural instinct is to report fraud to the police. If that occurs before a disciplinary process or civil claim is complete, P may invoke their "right to silence" to avoid anything they say in a civil process being used against them in a criminal process. So it is important to consider when is the appropriate time to make a police report.

## PREVENTATIVE ACTION

As prevention is always best, here are some practical tips to help avoid workplace fraud:

- Criminal record and credit checks before offering employment for roles with financial responsibility.
- Provide employees with training on how to spot financial irregularities, and what to do if they spot issues.
- Ensure policies and finance operating procedures are robust and address fraud prevention (e.g. multiple step invoice authorisation processes, correctly calibrated delegated authority levels, more than one person sends and receives (or is copied on) invoices).
- Require employees in finance roles to take at least one holiday each year of two consecutive weeks enabling another employee to step in, cover and audit their work.
- Maximise the use of anti-fraud measures provided by banks (e.g. online banking platforms which require a "match" between the payee name and bank account number).
- Perform regular spot checks on financial transactions, expense claims, company credit card use and company discounts to ensure policies and procedures are being complied with.

If you need any assistance with issues relating to a possible fraud in your workplace, please contact a member of our team.

## Minimum wage increase from 1 April

The adult minimum wage increased to \$23.50 per hour from 1 April 2025. The training and starting out minimum wages increased to \$18.80 per hour.

Different wage thresholds may apply for employees on certain working visas.



# Case Notes

## AVAILABILITY PROVISIONS MATTER

In *Chief v New Zealand Defence Force v Williams* [2025] NZEmpC 16 the Employment Court ruled that three regional technical managers were required to be paid reasonable compensation for being available for additional hours.

The managers' employment agreements stated they had to work hours "reasonably necessary" to meet operational needs, including overtime. The employees argued this effectively amounted to an availability provision but lacked reasonable compensation for their availability, making it unlawful.

NZDF denied the claim, stating the extra work was voluntary and not part of the contract.

The Court disagreed, finding that the managers were expected to be available 24/7, were included

in after-hours rosters, and regularly responded to work calls after hours. The Court determined this was standard practice and understood by NZDF management.

All three employees were already working for NZDF when the law around availability provisions was introduced in 2017, and retrospectively applied to all employment agreements. The agreements were not updated to align with the requirements of section 67D of the Employment Relations Act 2000 which requires that any availability provision within an employment agreement:

- specifies the agreed and guaranteed hours of work and may only relate to a period which is in addition to the guaranteed hours of work;
- be for genuine reasons based on reasonable grounds; and
- provide for payment of reasonable compensation to the employee for making themselves available.

While NZDF argued the employees' salaries covered any extra work, the Court found no agreement or clear provision in their contracts stating that on-call availability was compensated. Other employees in similar roles did get specific availability allowances, which highlighted the unfairness.

The Court directed the parties to agree the quantum of any reasonable compensation. The compensation is limited until 31 May 2019, when NZDF directed them to stop undertaking on-call work.



## KEY TAKEAWAYS

This case serves as a reminder to ensure employment agreements are compliant where an employee is required to be available do additional hours over and above their guaranteed hours, particularly those of longstanding employees who were employed prior to 2017.

If you would like to check your availability provision is compliant, please get in touch with the team.

You can read the full decision of the Court here: **2024-NZEmpC-16-The-Chief-of-New-Zealand-Defence-Force-v-Williams.pdf**

## \$60,000 COMPENSATION AWARD FOR PRIVACY BREACHES

In *BMN v Stonewood Group Ltd* [2024] NZHRRT 64 the Human Rights Review Tribunal ("HRRT") made a significant compensation award to an employee whose employer interfered with his privacy by taking his devices from his desk, without his consent, to investigate misconduct concerns.

BMN, a former employee of Stonewood, was invited to a coffee meeting outside the office with Stonewood's COO in March 2019. While out at the meeting, an executive director removed BMN's work laptop, personal cellphone and a USB drive from his desk. BMN requested to retrieve his personal files from the laptop (including medical records, tax returns), USB and cellphone, but only the cellphone was returned that day. One week later, BMN's employment was terminated.

On several occasions, including after his employment was terminated, BMN requested that his personal files be returned. Stonewood requested that BMN pay a fee, provide a USB, and sign an undertaking before it returned the information. BMN complied, but certain information was not returned until three years later during the HRRT proceeding.

BMN complained to the Privacy Commissioner, who issued a preliminary view in August 2019 that Stonewood had breached and interfered with

BMN's privacy.

BMN raised a claim in the HRRT that Stonewood breached Information Privacy Principle ("IPP") 1 (lawful purpose of collection), IPP 2 (collection from the individual unless an exemption applies) and IPP 4 (collection must be fair and not unreasonably intrusive) of the Privacy Act 1993 (which applied at the time, but has since been replaced with the Privacy 2020).

The HRRT found Stonewood breached the IPPs, in a way that interfered with BMN's privacy:

- "Collection" was not limited to requests for information – taking the devices with the knowledge they contained personal information qualified as a collection.
- Stonewood had not given any thought to privacy when it actively and intentionally took the devices in a manifestly unfair way that unreasonably intruded into BMN's personal affairs and caused him significant distress and humiliation.
- Stonewood's concerns about BMN storing third party confidential information on the devices (which it said were later substantiated), did not constitute a lawful purpose for the collection or justify not collecting the information directly from BMN.

The HRRT awarded BMN \$60,000 as compensation for injury to feelings, loss of dignity, and humiliation, which falls within the band of awards for the most serious cases. Orders were also made for any outstanding personal information to be returned to BMN and deleted by Stonewood.

## OUR VIEW

The decision shows that employers need to be careful when exercising rights over company property where those devices contain an employee's personal information. Employers should take into account privacy considerations when investigating potential misconduct, and be aware that privacy breaches can result in significant awards of compensation.

You can read the full decision of the HRRT here: **<https://www.justice.govt.nz/assets/Documents/Decisions/2024-NZHRRT-64-BMN-v-Stonewood-Group-Ltd.pdf>**

## UNRESOLVED ISSUES HINDER RESTRUCTURE

In *ADO v Joan Fernie Charitable Trust Board* [2025] NZERA 3, the Authority found that unresolved employment relationship issues can undermine the genuineness of a restructure, especially if redeployment opportunities were not appropriately considered.

ADO was employed by the Joan Fernie Charitable Trust Board ("the Trust") until they were made redundant following a restructure. As part of the restructuring ADO was informed that their role was surplus to requirements and that there were no suitable redeployment options for them. ADO subsequently interviewed for another role within the Trust but was unsuccessful.

ADO alleged that during their employment they were subjected to a variety of unsubstantiated and damaging allegations made by the Trust without due process, alleging performance concerns and misconduct. Specifically, that the Chairperson of the Trust made allegations of dishonesty, sexual misconduct and ongoing competency issues against ADO, which were raised without any basis, reasonable investigation or due process.

ADO claimed they were unjustifiably dismissed, alleging that the redundancy was procedurally unfair and was influenced by the unsubstantiated concerns regarding their performance and conduct. The Authority agreed with ADO and found that the

Trust failed to act with substantive and procedural fairness, finding that the:

- dismissal was driven by matters other than genuine commercial considerations;
- allegations against ADO were raised improperly and in an accusatory and conclusionary manner;
- Trust was unable to support their claim that ADO's role was surplus based on their limited understanding of the scope of ADO duties;
- the Trust failed to consider redeployment opportunities with an open mind; and
- the restructure process was insincere and predetermined.

ADO was awarded \$45,000 as compensation for humiliation, loss of dignity and injury to feelings and \$8,055.19 lost wages. The Authority was not prepared to grant permanent reinstatement due to evidence of significant disharmony between the parties.

### OUR VIEW

While issues of misconduct and performance can be present alongside genuine redundancy situations, they can "muddy the waters". In those cases, we recommend seeking advice to manage any overlap to mitigate against the risk of an adverse finding.

You can read the decision here: <https://determinations.era.govt.nz/assets/elawpdf/2025/2025-NZERA-3.pdf>





# Laws, Laws, Laws – an Employment Legislation Round-up

LEGISLATION	DESCRIPTION	STATUS
<b>Crimes (Theft by Employer) Amendment Act 2025</b>	<p>This Act amends the Crimes Act 1961 to provide that an employer's intentional failure to pay an employee their wages, salary, or other monetary entitlements amounts to theft. If an employer is found guilty, they could be convicted, fined and/or (if they are an individual) imprisoned. Also, any party who aids or abets the offence could also be convicted, fined and/or imprisoned.</p> <p>This new Act will be particularly relevant for employers undertaking voluntary audits (e.g. Holidays Act audits).</p>	<p>The Act passed its third reading on 13 March 2025, received Royal Assent on 13 March 2025, and came into force on 15 March 2025.</p>

<b>Income Threshold for Unjustified Dismissal Claims</b>	<p>The Government has announced its plan to introduce an income limit of \$180,000 per annum (base salary) for unjustified dismissal personal grievances. Above this threshold unjustified dismissal claims could not be raised, but other claims (e.g. unjustified disadvantage, discrimination and breach of contract claims) could still be raised.</p> <p>The Minister has since announced that, once the amendment is enacted, the income threshold will apply to existing employment agreements after one year. Parties will have one year to re-negotiate the agreement. The amendment will immediately apply to all new employment agreements.</p>	<p>The change is expected to be introduced through a new Bill in 2025.</p>
<b>Removing Remedies for Poor Employee Behaviour</b>	<p>The Government has announced its plan to give greater consideration to an employee's behaviour when awarding remedies as a result of a personal grievance, including by:</p> <ol style="list-style-type: none"> <li>1. removing all remedies for employees whose behaviour amounts to serious misconduct; and</li> <li>2. removing eligibility for reinstatement to a role and compensation for hurt and humiliation when the employee's behaviour has contributed to the issue, for example repeated instances of poor performance.</li> </ol> <p>Other technical changes to the remedies regime relating to contributory behaviour are also proposed.</p>	<p>The change is expected to be introduced through a new Bill in 2025.</p>
<b>Employment Relations (Pay Deductions for Partial Strikes) Amendment Bill</b>	<p>The Government plans to reinstate the ability for employers to make pay deductions when employees undertake partial strike action. Employers could either make a proportionate deduction based on identifying the work not performed, or deduct 10%, subject to first notifying employees of the deduction. Unions could apply to the Employment Relations Authority for a determination on whether the deduction has been calculated correctly.</p>	<p>The Bill was introduced on 9 December 2024, and passed its first reading on 10 December 2024. The Select Committee's report is due on 22 April 2025.</p> <p>The Government has indicated this will be considered in the week commencing 6 May 2025.</p>
<b>Employment Relations (Termination of Employment by Agreement) Amendment Bill</b>	<p>This Bill seeks to protect negotiations between an employer and an employee to terminate the employee's employment, whether or not there is a dispute on foot. The fact an exit offer is made by an employer would not constitute grounds for a personal grievance and evidence of the negotiations would be inadmissible, except in limited circumstances.</p>	<p>This Bill was introduced to Parliament in November 2024. The Bill passed its first reading on 9 April 2025.</p>



<b>Change to Independent Contractor Regime</b>	<p>The Government has announced it wants to improve certainty around employment/contractor status by introducing a new "Gateway Test".</p> <p>If the four factors set out in the Gateway Test are met, the worker will be deemed an independent contractor. Where one of the factors is not met, then the current test will continue to apply (i.e. the "real nature of the relationship" in s6 of the Act). The four factors are:</p> <ol style="list-style-type: none"> <li>1. a written agreement between the business and the worker which specifies the worker is an independent contractor;</li> <li>2. the business does not restrict the worker from taking on other work (including with competitors);</li> <li>3. the worker is not required to be available on specific hours or days, or for a minimum number of hours OR is able to subcontract the work; and</li> <li>4. the worker has the right to refuse additional tasks or engagements, without the business terminating the agreement.</li> </ol>	<p>The change is expected to be introduced through a new Bill in 2025.</p>
<b>Principles of the Treaty of Waitangi Bill</b>	<p>The purpose of this Bill is to set out the principles of the Treaty of Waitangi in legislation and require such principles to be used when interpreting legislation.</p>	<p>The Bill was introduced to Parliament in November 2024.</p> <p>Following a significant number of submissions, the Select Committee reported on 4 April that it recommended that the Bill not proceed. The Bill did not pass its second reading on 9 April 2024.</p>
<b>Privacy Act Amendment Bill</b>	<p>This Bill proposes to amend the Privacy Act 2020 in several ways, including:</p> <ul style="list-style-type: none"> <li>• by creating a new information Privacy Principle (IPP 3A) that requires agencies to notify individuals when they collect personal information about the individual indirectly, subject to certain limited exceptions; and</li> <li>• extending the grounds upon which requests for access to personal information can be refused where the individual concerned is under the age of 16 or disclosure would be likely to prejudice the safe custody or rehabilitation of the individual.</li> </ul>	<p>The Select Committee report was released on 25 October 2024. The Bill was reported by the Committee of the Whole House on 27 March 2025 and is now awaiting its third reading.</p> <p>The Member in charge of the Bill has proposed amendments to the Bill that would delay the commencement date of the legislation (from 1 June 2025 to 1 February 2026), to ensure agencies have sufficient time to modify their systems and processes before having to comply with the new Information Privacy Principle 3A.</p>

<b>Employment Relations (Restraint of Trade) Amendment Bill</b>	<p>This Bill seeks to amend the law on restraint of trade clauses, including by prohibiting restraints of trade for low and middle income employees, requiring employers of higher income employees subject to a restraint of trade to compensate for the restraint, and to cap all restraints at 6 months in duration. See our August 2023 Stop Press for more information.</p>	<p>This Bill passed its first reading in July 2023. The Select Committee released its report on 24 May 2024. It made a number of recommended amendments, but recommended by majority that the Bill not proceed. The Bill is still awaiting its second reading and is unlikely to pass.</p>
<b>Regulatory Systems (Immigration and Workforce) Amendment Act 2025</b>	<p>This Act makes minor changes to several Acts, including the Employment Relations Act 2000, the Health and Safety at Work Act 2015 and the Parental Leave and Employment Protection Act 1987.</p> <p>Key changes include:</p> <p>Employment Relations Act 2000:</p> <ul style="list-style-type: none"> <li>• introducing requirements that an employer keeps a copy of an employment agreement and individual terms and conditions of employment, and ensures that the copy is readily accessible; and</li> <li>• introducing an infringement offence for an employer failing to ensure an employment agreement is in writing.</li> </ul> <p>Health and Safety at Work Act 2015:</p> <ul style="list-style-type: none"> <li>• widening the definition of “notifiable incident” to include unplanned or uncontrolled incidents that are declared by regulations to be a notifiable incident; and</li> <li>• giving the regulator the ability to refuse to accept an enforceable undertaking where the undertaking does not provide for reimbursement of the regulator’s reasonable costs and expenses.</li> </ul> <p>Parental Leave and Employment Protection Act 1987:</p> <ul style="list-style-type: none"> <li>• amendments to ensure that any periods in which preterm baby payments are made are not counted towards primary carer leave or extended leave, and that the weeks such payments are made are additional to the duration of parental leave payments;</li> <li>• amendments to allow primary carers who are partners or spouses to designate the date on which parental leave payment periods begins; and</li> <li>• amendments to set the start date for parental leave payment periods for primary carers who are neither the biological mother of the child or her partner/spouse.</li> </ul>	<p>The Act passed its third reading on 25 March 2025, and received royal assent on 29 March 2025. Most of the Act came into force on 30 March with some exceptions.</p> <p>Sections 19, 64 and 65 (which relate to certain levies) came into force on 1 April 2025. Sections 47 to 53 will come into force on 1 July 2025. These sections amend certain provisions of the Parental Leave and Employment Protection Act.</p>

<b>Proposed changes to application of collective agreement in first 30-days of employment</b>	<p>The Minister for Workplace Relations and Safety has announced that the Government has agreed to repeal the "30 day rule" in the Employment Relations Act 2000.</p> <p>The rule currently requires new employees to be bound by the terms and conditions of any applicable collective agreement for the first 30 days of their employment, even though they are not a member of the union.</p>	The changes are intended to be included in a bill amending the Employment Relations Act 2000 that will be introduced this year and is expected to be passed by the end of 2025.
<b>Changes to union membership reporting requirements</b>	<p>The Minister for Workplace Relations and Safety has announced that the Government intends to make changes to the mandatory reporting requirements for union membership.</p> <p>Currently, employers are required to use an "active choice" membership form, and unions can provide information on the role and functions of unions that the employer is required to pass on to the employee.</p> <p>Employers will still need to communicate that the employee may join a union that is a party to the collective agreement, how to contact the union and that if the employee joins the union, the collective agreement will bind the employee.</p>	The changes are intended to be included in a bill amending the Employment Relations Act 2000 that will be introduced this year and is expected to be passed by the end of 2025.
<b>WorkSafe guidance on managing psychosocial risks</b>	<p>WorkSafe have proposed a new version of guidelines to assist PCBUs in managing psychosocial risks at work. The guidelines defines a psychosocial risk as risk to a "worker or other person's health and safety", arising from a psychosocial hazard.</p> <p>There are three categories of a psychosocial risk:</p> <ul style="list-style-type: none"> <li>• How you work.</li> <li>• Who you work with.</li> <li>• Where you work.</li> </ul> <p>The guidelines recommend a four-step approach to safeguard worker mental health.</p> <ol style="list-style-type: none"> <li>1. Identify hazards</li> <li>2. Assess psychosocial risks</li> <li>3. Manage the risk</li> <li>4. Review control measures</li> </ol>	The guidelines are currently in draft format. It remains to be seen whether they will be finalised or amended again.
<b>Human Rights (Prohibition of Discrimination on Groups of Gender Identity or Expression and Variations of Sex Characteristics) Amendment Bill</b>	This Member's Bill aims to uphold Te Tiriti O Waitangi by prohibiting discrimination against takatāpui and rainbow (LGBTIQ+) individuals or expression and variations of sex characteristics under the Human Rights Act 1993. This Bill would ensure that this community has increased human rights protections including the ability to take cases of the above nature to the Human Rights Commission.	The Bill is awaiting its first reading.

<b>Employment Relations (Employee Remuneration Disclosure) Amendment Bill</b>	<p>This Bill intends to protect employees who discuss or disclose their remuneration, by enabling an employee to raise a personal grievance if they are subject to “adverse conduct for a remuneration disclosure reason”, including discussing or disclosing their remuneration.</p>	<p>The Bill passed its first reading in November 2024. The Bill is now before the Select Committee, and its report is due on 6 May 2025.</p>
<b>Holidays Act Reform</b>	<p>The Government announced at the beginning of its term that it would be looking to make a large number of changes to the Holidays Act to make it more streamlined and easier for businesses to use and understand.</p> <p>For more information, see our August 2024 newsletter.</p>	<p>Cabinet approved the consultation document in September 2024 and targeted consultation on a draft Bill took place.</p> <p>Feedback received indicated that the draft was not a significant improvement. The Minister announced that a revised draft Bill will be prepared and issued for further consultation in 2025.</p>
<b>Health and Safety at Work Act reform</b>	<p>On 14 June 2024, The Government announced substantial consultation on work health and safety.</p> <p>Key points of consultation include:</p> <ul style="list-style-type: none"> <li>• whether health and safety requirements are too strict or too ambitious to comply with;</li> <li>• difficulties caused by work health and safety legislation overlapping with other requirements;</li> <li>• actions taken by business, the reasons behind them and their effectiveness;</li> <li>• the reasonableness of consequences for non-compliance with health and safety obligations; and</li> <li>• risk management thresholds.</li> </ul> <p>In April 2025, the Minister announced proposed changes to the health and safety regime, including:</p> <ul style="list-style-type: none"> <li>• carve outs for “low risk” businesses;</li> <li>• increased reliance on approved codes of practice (“ACOPs”) in specific sectors and industries;</li> <li>• allowing individuals and groups to develop ACOPs;</li> <li>• leaving day-to-day management of health and safety risks to managers (rather than directors and boards);</li> <li>• “sharpening” the purpose of the Health and Safety at Work Act to focus on critical risks;</li> <li>• clarifying boundaries between the Act and regulatory systems; and</li> <li>• reducing notification requirements to the regulator to only significant workplace events.</li> </ul>	<p>Feedback on the health and safety regulatory system has been sought by MBIE, and consultation closed on 31 October 2024. The feedback received will now be reviewed by MBIE and used to inform its advice to the Government.</p>



<b>Use of Biometric Information in New Zealand</b>	<p>The Privacy Commissioner sought public submissions on whether further regulations are necessary in respect of the use of biometric information in New Zealand, such as verifying people's identities online, border control, security, and policing and law enforcement.</p> <p>Key considerations for the Privacy Commissioner include proportionality, transparency, and limitations.</p>	<p>The Privacy Commissioner announced his intention to issue a Biometric Processing Code of Conduct in December 2024, and released a draft for public consultation. Consultation ended on 14 March 2025. A final Code has yet to be released.</p>
<b>Potential changes to DEI policy in the public service and amendments to the Public Service Act</b>	<p>NZ First introduced a Member's Bill on 7 March 2025, that aims to remove "woke" Diversity, Equity and Inclusiveness ("DEI") regulations from the public sector.</p> <p>The Bill would amend the provisions in the Public Service Act that mandate the sector prioritises diversity and inclusiveness. For example, the Bill would:</p> <ul style="list-style-type: none"> <li>• remove the Public Service Commissioner's duty to develop a workforce that reflects societal diversity;</li> <li>• repeal section 75 entirely, which mandates promoting diversity and inclusiveness in public service workplaces; and</li> <li>• exclude workforce diversity and inclusiveness from government workforce policy considerations.</li> </ul>	<p>A draft of the Bill has not been published and it has not been drawn from the Ballot.</p> <p>The Prime Minister has said he is "open" to adopting some of NZ First's ideas, and that Judith Collins had been tasked with overhauling the Public Service Act to ensure a "meritocracy".</p>
<b>Modern Slavery and Worker Exploitation</b>	<p>In 2023, the Ministry of Business, Innovation and Employment released a discussion document proposing legislation to respond to modern slavery and worker exploitation in operations and supply chains through a series of reporting and due diligence requirements. The legislation proposed would have a cascading set of obligations for entities, based on the size of the entity.</p>	<p>We are yet to see any substantive progress from the new Government on this matter, and the leadership group established to provide advice on the topic was disbanded in May 2024. This work is now reported to be 'on hold.'</p> <p>The Crimes (Increased Penalties for Slavery Offences) Amendment Bill proposes to amend the Crimes Act 1961 to increase the maximum prison term and fine for slavery offences. It passed its first reading on 17 December 2024, and the Select Committee's report is due by 17 June 2025.</p>

<b>Gender Pay Gap</b>	The Ministry for Women has created a voluntary calculation tool for businesses to calculate their own gender pay gap.	The Ministry confirmed it will work with business leaders on an approach to voluntary gender pay gap reporting to support organisations to measure, understand, share, and take action to close the gender pay gap.
<b>Civil Aviation Act 2023</b>	This Act replaces the Civil Aviation Act 1990 and the Airport Authorities Act 1966. The Act introduces a new drug and alcohol management system including the need for drug and alcohol management plans and comprehensive testing.	The Act received Royal Assent on 5 April 2023 and came into force on 5 April 2025.

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If you have any queries or you need advice on any of the matters raised in this Newsletter, please contact us.

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