

WORKPLACE LAWS IN NEW ZEALAND - THE BASICS

1. In summary, the key laws that apply for businesses employing employees in New Zealand are:
 - 1.1 Minimum Wage Act 1983
 - Sets the minimum wage for adults, employees “starting out” and employees in “training”. The amount of minimum wage is changed as set by Government each year
 - Regulated by the Ministry of Business, Innovation and Employment Labour Inspectorate
 - 1.2 Wages Protection Act 1983
 - Sets out how wages can be paid and rules around deductions from wages
 - Regulated by the Ministry of Business, Innovation and Employment Labour Inspectorate
 - 1.3 Parental Leave and Employment Protection Act 1987
 - Provides leave entitlements for employees who will assume caregiver responsibilities for children
 - 1.4 Bill of Rights Act 1990
 - Sets out fundamental rights and freedoms for everyone in New Zealand
 - 1.5 Human Rights Act 1993
 - Protects against discrimination on prohibited grounds, including for job applicants and employees
 - Regulated by the Human Rights Commissioner
 - 1.6 Employment Relations Act 2000
 - Provides for the framework for all employment relationships in New Zealand, including with unions, and covers:
 - Obligation of good faith, which underpins all employment relationships
 - Requirements for all employment relationships to be governed by an employment agreement
 - Union relationships and engagement
 - Break entitlements
 - Personal grievance claim framework
 - Record keeping requirements
 - Dispute resolution framework
 - Protection of vulnerable workers
 - Regulated by the Ministry of Business, Innovation and Employment Labour Inspectorate
 - 1.7 Protected Disclosures Act 2002
 - Provides a whistleblowing framework for public sector employees with limited application to the private sector
 - Regulated by the Ombudsman

1.8 Holidays Act 2003

- Provides minimum holiday and leave entitlements, including annual holidays, public holidays, bereavement leave, sick leave and family violence leave, as well as for record keeping in respect of these
- Regulated by the Ministry of Business, Innovation and Employment Labour Inspectorate

1.9 KiwiSaver Act 2006

- Provides for employer and employee contribution rights to optional Government regulated superannuation schemes
- Regulated by the Financial Markets Authority

1.10 Health and Safety at Work Act 2015

- Provides that “persons conducting a business or undertaking” (PCBU) must take all reasonably practicable steps to ensure the health and safety of everyone in the workplace
- Provides for specific PCBU “officer” duties
- Provides that PCBUs must work together to ensure health and safety where more than one PCBU is involved in a workplace
- Regulated by WorkSafe

1.11 Immigration Act 2009

- Outlines visa options for migrant workers
- Regulated by Immigration NZ

1.12 Privacy Act 2020

- Provides for protection of individual privacy including 13 Privacy Principles that, in summary, apply to collection, storage, use and disclosure of personal information, as well as for access to and correction of such information.
- Regulated by the Privacy Commissioner

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