

## HOLIDAY AND LEAVE CHANGES—HAVE YOUR SAY!-

Employers and employees need to act soon to ensure that they have their say in the future of holiday and leave entitlements. The Minister of Labour, Kate Wilkinson, recently appointed an Advisory Group to review the Holidays Act 2003. The review stems from the perceived shortcomings of the Act. Importantly, the Group's recommendations may result in amendments, making it easier to understand and apply and ultimately reducing compliance costs for employers.

### THE GROUP

The Group will publicly consult for one month until 21 August 2009. Following this the Group will produce a final report for the Labour Minister with recommendations. She will present a paper to Cabinet in March 2010 outlining suggested amendments.

Where possible the Group will suggest practical ways to implement any changes. At all times the Group will be guided by core principles: it should not recommend decreasing core holiday and leave entitlements; it must consider the need to take a conservative approach; it should propose simple but predictable amendments and observe international standards. Ideally, in the current economic climate, proposals will promote business growth and productivity and the interests of both employees and employers.

### HAVE YOUR SAY!

The Group seeks written submissions from everyone on:

- Issues and costs experienced in calculating relevant daily pay and ideas on alternative formulas.
- Whether employees ought to be able to request that some or all of their fourth week of annual leave be paid out in cash (currently this is not allowed). What criteria should apply prior to an employer accepting such a request? What costs or protections might be required to ensure requests are genuine?
- The proposal to allow parties to agree to shift public holiday entitlements currently confined to calendar dates of the eleven public holidays only (Except for some shift working employees, the public holidays cannot be shifted to another day).
- What protections or processes should be put in place to exchange days? For example, should an employee be able to observe Ramadan or some other religious festival instead of Good Friday? Should the whole workplace be required to observe different religious days? Should changes to Public Holidays be included in the employment agreement or otherwise put in writing?
- Whether public holidays currently observed remain culturally significant for New Zealand? (Public holidays are currently Christmas Day, Boxing Day, New Year's Day, 2 January, Waitangi Day, Good Friday, Easter Monday, ANZAC Day, Queen's Birthday, Labour Day and Anniversary Day.)
- Should Easter Sunday be recognised as a public holiday? If New Zealand did recognise Easter Sunday as a Public Holiday, should we "Mondayise" it like we do with other Public Holidays? (Mondayising is the practice of observing a public holiday on the next immediate week day where it falls during a weekend day. For example, many provinces observe Anniversary Day on the following Monday where it falls on a weekend.)
- Should employees accumulate alternative holidays? (also known as "days in lieu")
- How you understand casual employment. What are your views on current leave and holiday entitlements of casual employees (or the exclusion of these entitlements is fair and reasonable)?
- Any other issues that you consider the Group will find relevant.

To ensure that you have your say in the future of holiday and leave entitlements, send your written submissions to [ERconsultation@dol.govt.nz](mailto:ERconsultation@dol.govt.nz) or post them to the Holidays Act 2003 Review at the Department of Labour, P O Box 3705, Wellington by **21 August 2009**.

*This update prepared by Progressive Consulting and Janet Copeland Law. It is produced to provide a brief summary of issues and developments which may affect our clients in these fields. While we take care to ensure that the information is correct, details may be omitted which may be directly relevant to a particular entity. The information should therefore not be taken to be sufficient for making decisions. If you have any questions in relation anything discussed here or just a general query, contact the team who will be happy to assist you.*