

Easter weekend

Easter Sunday is not a public holiday.

This year the Easter public holidays fall on Friday 29 March (Good Friday) and Monday 1 April (Easter Monday). Employees receive a paid day off on each if they would normally have worked on the day.

Employees don't have to agree to work on Good Friday or Easter Monday unless:

- the employee would normally have worked on either; and
- their employment agreement says they have to work on public holidays.

If they do work on either day, they must be paid time and a half for time actually worked and they also get a paid (alternative) day off.

Minimum Wage increase

On 1 April 2024 the minimum wage increases to -

- Adult minimum wage from \$22.70 to \$23.15 per hour
- Starting-out and training minimum wage from \$18.16 to \$18.52 per hour.

Rates are before tax and any lawful deductions, for example, PAYE tax, student loan repayment and child support.

Part time salaried staff and the Minimum Wage

The long-running court case between [Mount Cook Airline Ltd v E tū Incorporated](#) over the interpretation of the Minimum Wage Order has finally ended in favour of the Airline. The decision has significant implications for employers with part-time staff who are paid by way of a salary.

The [Court of Appeal's summary of the judgement](#), published on its website for public interest, follows –

“Mount Cook Airline Ltd employs both part-time and full-time cabin crew. The part-time cabin crew work six days over a fortnightly pay period rather than the nine days worked by full-time cabin crew in exchange for a pro-rata (2/3) salary. E tū Inc, the union for the cabin crew, successfully challenged the pro-rata approach to calculating the salaries of part-time cabin crew in the Employment Court. The Employment Court held that cl 4(d) of the Minimum Wage Order 2021 (the Order) required that the part-time cabin crew be paid at least the full fortnightly minimum wage rate specified in the Order regardless of the number of hours actually worked per fortnight. Mount Cook appealed.

The appeal is allowed. The Employment Court erred in its interpretation of cl 4(d) of the Order as it applies to part-time salaried employees. Clause 4(d) specifies a minimum “rate” of wages, not an absolute monetary sum. The use of the word “rate” envisages a proportional relationship between two things, with one of those things commonly being a unit of time (as in this case). The fortnightly minimum wage rate is payable to an employee who works 80 hours over a fortnightly period and must be pro-rated for an employee who works less than that. The pro-rata interpretation of clause 4(d) is supported by the plain meaning of the clause, the statutory context, the statutory purpose, the legislative history and previous case law.”

Emphasis added.

It is worth having a look at the actual wording of [clause 4](#) of the Minimum Wage Order 2024 to see the correlation between the minimum hourly, weekly and fortnightly wage rates for adults.

Compensation statistics

Employment New Zealand has published statistics of the [compensation awarded](#) to employees for personal grievances in the Employment Relations Authority and Employment Court for the six months ended December 2023.

We've extracted some percentages -
below \$10,000 – 18%
\$10,000 to \$20,000 – 49%
above \$20,000 – 32%
above \$25,000 – 19%.

The Court and the ERA follow a banding approach to determine the compensation given to employees depending on the seriousness of their suffering, as follows –
Band 1 – \$0 - \$12,000
Band 2 – \$12,000 - \$50,000
Band 3 – over \$50,000.

Unfortunately, Employment New Zealand's statistics don't match these bands, leaving an incomplete picture. Considering employers' interest in this important measure, it is to be hoped that this glitch will be addressed sooner rather than later.

This article is brought to you by AdviceWise People, who provide WGANZ's free employment helpline 0800 692 384. If you have any questions or would like to discuss the article, please call Philip or Anthony.