



# In Brief:

## HR in the News

### **1. An Employee's Right to Disconnect**

Did you know that apparently 20% of New Zealand's workforce say they work out of hours (as reported by Massey University Management Professor, Jarrod Harr, on One News)?

I am actually surprised that number isn't higher.

Australia is considering introducing legislation to address the employee's right to disconnect from work outside of work hours. "The right to disconnect" Bill promotes a worker's right to ignore texts, calls, and emails when they aren't at work without being penalised.

An interesting approach. I wonder if the issue is perceived to be bigger in Australia than what our statistics say is the case here in NZ? It will be interesting to see where that Bill gets to, and what any resulting legislation looks like. We haven't yet seen this on the radar of our own government as something to be introduced here, but there are certainly other examples where NZ employment law has been modelled from Australian legislation.

### **2. HR Policies – some outside of the box ideas**

Employers hustle to be an employer of choice; a place where the top talent wants to work. As a result, some of the more creative HR policies being considered get attention in the media. For example:

- Unlimited sick leave
- Pets at work
- Work 4 days, be paid for 5.

- Hybrid work options, including working remotely around a holiday.
- More types of leave e.g. duvet days, birthday leave, pet bereavement leave.
- Financial support options.

It's important to note that there can be particular considerations for some options, such as potential tax implications or additional health and safety requirements.

Are you considering a creative policy or benefit? Reach out if you would like to discuss an option and how to implement it.

### **3. Parent Caring for Disabled Adult Child Not Considered an Employee**

The Court of Appeal recently ruled (in *Attorney-General v Fleming and Humphreys* [2024] NZCA 92) that parents receiving government funding to care for their disabled adult children are not employed by the Ministry of Health (MOH). This followed a long-standing debate in the Courts, including a 2021 Employment Court decision in one case (*Fleming v Attorney-General* [2021] NZEmpC 77) that determined that parents and carers of disabled children were employed, as “homeworkers”, by the MOH and not by their children.

Section 5 of the Employment Relations Act 2000 provides for “homeworkers”, defined as “a person who is engaged, employed, or contracted by any other person to do work for that other person in a dwellinghouse”.

This debate may well continue, because it has been reported that the parties will seek leave to appeal to the Supreme Court.

There will be a lot of people watching this one closely.

If you have any questions about any of the brief articles above, don't hesitate to reach out and discuss them with me.