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Cover: Rosebank Peninsula from the air.

With thanks to our partners ...



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The Rosebank Roundabout is published by the Rosebank Business Association Inc. Copies are distributed free to approximately 1200+ businesses and in the Rosebank and other West Auckland districts. Editorial included in this publication reflects the opinions of the contributing authors and does not necessarily represent the views of the RBA.

From My Perspective

Phil Clode, Business Development Manager, phil@rosebankbusiness.co.nz



Ground Hog day

I'm writing this article as a double vaccinated person sitting and working in the same spot that I was forced into twelve weeks ago. Darn Covid.

I have found myself just daydreaming into the computer screen, not thinking about anything at all. I think there is nothing more demotivating than a pandemic without an end. Not being able to operate with the freedom that we humans need every day. I didn't realise how much that word means to me - Freedom. Freedom to talk face to face with people, freedom to go to the pub for a beer, freedom to see my friends, freedom to see my family, freedom to travel, freedom to participate in society. No doubt many of the readers of this magazine have been going through the very same issues. Let's hope we are out of this soon.

We have just held our RBA Annual General Meeting (the covering article on this is on page 10). With Auckland under

Level 3 lockdown, the event was held for the first time via online virtual software and was well received by our Business Owners and BID members. We say goodbye to Wayne Eccles from Anglo Engineering. He has been a tremendous support for the team here at the RBA and is a great guy. We hope to see Wayne in some capacity in Rosebank in the future.

We also say goodbye to our CEO Mike Gibson after 20 years of building the RBA from scratch. Mike has had an incredible impact on the growth of the RBA as a leading Business Improvement District in Auckland. Our organization is unique in Auckland with over 40% of our income derived from private income. This has given the RBA the ability to be able to provide a lot more for our members. Our budget thanks to Mike, is comparable to other BID's in Auckland that are four times the size of Rosebank. Through his hard work he has also helped build a considerable membership-based organisation that will be a leader in the future. We wish Mike all the best in his retirement.

The Rosebank Business Association, through our Executive Engagement Manager Kim Watts and our Board of Directors have been early adopters of Wellbeing in the workplace. We have been leaders in this space since the start of the COVID-19 Pandemic and it is now a fundamental fully funded part of what the RBA do for our businesses and members.

I do ask that if you are a Rosebank Business to get involved with the Rosebank Wellbeing Collab and take advantage of the offering and input into its future. It is sure to help both businesses and employees in the many ways and areas that the team have

drilled down into with the following areas covered in Wellbeing - Community, Health, Insights, Financial Wellbeing and Events.

For the past three months we have been working on a new website for the RBA which is going to include the addition of some new features that will enhance the experience for the user. The new website will also be integrated with our newly acquired CRM database so we can spend less time imputing data in the many places we had to previously. The result of this is that will have one of the best business directories of all Business Associations in Auckland.

In November we will announce a range of new partners that we are sure will add value and expertise to our already fantastic partners that we have. These partners will fill a number of areas we have been searching to provide. We will have profiles of the new partners in our December issue.

Please enjoy our feature article on Avondale College Student Grace Nweke's on page 14. She will be a star of the future for the Silver Ferns.

I want to thank all the people that play a part in helping to put this publication together, Advertisers, Partners, Contributors, Photographers, and Proofreaders and anyone else I have forgotten.

Regards,
Phil Clode,
Business Development Manager



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Dr Grant Hewison

Feedback sought by Auckland Council on Bylaws

Auckland Council is calling for feedback on Alcohol Off-Licence Signage as well as a proposed new Signs Bylaw and an amended Stormwater Bylaw.

Alcohol Off-Licence Signage

Auckland Council is committed to contributing to reducing alcohol-related harm across communities in Tāmaki Makaurau for the health and wellbeing of communities.

During a review of the signage bylaw, Auckland Council has found that Aucklanders are interested in how their communities are exposed to alcohol advertising at off-licence alcohol outlets, such as liquor stores and bottle shops. Auckland Council would like your views on this type of signage and advertising.

They will use these views to inform an investigation into methods to reduce community exposure from this type of advertising and may use them to advocate to central government for tighter national restrictions on alcohol marketing.

New Signs Bylaw

Auckland businesses use signs everyday to advertise goods and services and to communicate information. Signs can, however, also cause problems relating to: public safety; nuisance; misuse of council-controlled public places; the Auckland transport system; and the environment. For example, the number, size and location of signs can affect traffic safety, obstruct pedestrians and cause visual clutter.

Auckland Council manages these problems alongside Auckland Transport using the Signage Bylaw 2015 and the Elections Signs Bylaw 2013. These bylaws apply to most signs in Auckland, including: freestanding; verandah; wall; window; portable; stencil; poster; banner; real estate; event; election; and vehicle signs.

Auckland Council has recently worked with Auckland Transport to review the Signage Bylaw 2015. Both agencies wish to manage the issues caused by signs more effectively and efficiently by combining the two current bylaws into a new Signs Bylaw 2022.

Auckland Council and Auckland Transport propose to make several key changes to the current rules including:

- Increasing the area where portable signs are prohibited to cover the entire city centre zone;
- Enabling the display of election signs on places not otherwise allowed up to nine weeks prior to an election or referendum;



- Increasing the maximum area of flat wall-mounted signs in the heavy industry zone; and
- Clarifying the rules so they are easier to understand, reflect current practice, remove confusion and fill perceived gaps.

Stormwater Bylaw Amendment

Auckland Council manages the stormwater network across the Auckland region. The network is affected by land drainage problems such as: property flooding; network contamination from illegal discharges; inconsistent management of pipe connections; and the operation of private stormwater systems.

Auckland Council's Stormwater Bylaw 2015 makes rules for managing and developing the public stormwater network. These activities must obtain approval and comply with conditions, for example, when, where and how the stormwater network is developed. A review of the current Stormwater Bylaw 2015 was completed in July 2020. After considering the review findings, Auckland Council are proposing to amend the Stormwater Bylaw 2015 to improve its effectiveness and efficiency by:

- specifying controls for managing the public stormwater network and private stormwater systems;
- considering additional requirements for vesting of public assets, including the ability to assess the carbon lifecycle of new stormwater network assets;
- requiring approvals for modifications or new engineered wastewater overflow points into the stormwater network to assist with the protection of public health when the overflow points activate;
- restricting or excluding certain activities for the stormwater network to protect public health and safety from activities such as fishing or kayaking in stormwater ponds and wetlands;
- updating the bylaw wording and definitions.

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Kim's Corner

Kim Watts RBA Executive Engagement Manager
Phone: 021 639 509, kim@rosebankbusiness.co.nz



As part of a series of webinars run by Healthy Families Waitākere (HFW), Zaynel Sushil from HFW and I ran a webinar on "Systems Change in Action – Rosebank Wellbeing Initiative" on Tuesday 19th October 2021. The audience for the webinar were stakeholders in the workplace wellbeing space.

The three key takeaways we hoped to achieve were:

- What collaborative impact looks and feels like during COVID-19?
- How are we prioritising wellbeing within a business community?
- Significant moments and learnings of within Kaupapa for systems change.

The Rosebank Wellbeing initiative aims to grow a culture of wellbeing in the Rosebank Business District in partnership with local workplaces and key stakeholders. The systems change we want to create is a new model for our Rosebank BID underpinned by a strong wellbeing lens.

Healthy Families Waitākere and Business Lab partnered with the RBA to increase opportunities for the health and wellbeing of employees and create a new narrative for the Rosebank Business Association.

What we know is that COVID-19 has increased employee stress significantly with 1 in 3 working New Zealanders reporting moderate or high levels of psychological stress. The leading barriers for workplace wellbeing can be a lack of diversity and inclusion at leadership level, a lack of meaningful engagement with employees and a lack of cultural understanding. A positive is that since 2020 at least 81% of New Zealand company boards are now discussing workplace mental health issues up from 62% in 2019. As Stefan Crooks - Chair of the RBA Board eloquently put it "It's time we move past Band-Aid approaches and actually address the root causes of bad stress".

Systems Design is a holistic approach to design. It starts with a consideration of how different parts interrelate to form a functioning whole. When we look at our impact model on workplace ecology, we have Rosebank employee wellbeing

in the bullseye. Working our way out, workplaces come next, followed by the entire Rosebank Business Community and then Stakeholders. If there isn't willingness from all parties to work together in their areas of interest, then it doesn't matter how much we wish for this initiative to succeed it just won't happen.

The most significant win throughout this process would have to be the work done with the RBA Board to get a long-term commitment to Wellbeing for the Rosebank Business Community. Other wins were a Wellbeing Survey, working groups to implement the plan and businesses talking to each other about wellbeing initiatives.

Four key areas we have targeted to grow wellbeing within our Rosebank Business Community are through; community events (as was evident with the Rosebank Business Challenge, Health Checks, and businesses volunteering to help the Whau River Catchment Trust and Fair Food), B2B involvement, Rosebank traffic concerns and lastly, financial workshops which will be tailored to meet different levels.

Talking to local business leaders about what impact the Rosebank Wellbeing initiative has achieved since 2020, businesses indicated



that they were now including health and wellbeing in all their meetings with others, including a staff wellbeing activity or a focus on wellbeing content in staff meetings every six weeks.

Key learnings that we can take away are the importance of authentic engagement with employers and employees. Deep engagement and learning about lived experiences are better informing how we support businesses moving forward.

Finally, achieving collaborative impact throughout COVID-19 and various lockdowns wasn't easy, but it was evident that with the enthusiasm and collaboration between Healthy Families Waitākere and the Rosebank Business Association, that it is possible.

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Rosebank News & Events

News, views and any other tidbits from the Rosebank Business Community.

Rosebank Business Association AGM 2020/2021

The 2020/2021 RBA Annual General Meeting was like no other before it. Due to the current COVID-19 outbreak in Auckland, the board and members of the RBA came together on 21 October 2021 for a unique online AGM.

Stefan Crooks, the RBA chairperson, ensured the board and members quickly adapted to this style of meeting. For most, the online meeting has become a way of life and this AGM proved anything can be done via virtual meetings.

The 2020/2021 year saw Stefan Crooks as chairperson for the first time. His work steering the ship has been invaluable and he and the board have kept the RBA moving through a year of uncertainty.

As Stefan addressed the AGM he talked about a challenging and interesting time, though he credits the extraordinary people surrounding him as a highlight.

"There's been lots of highlights this year," he said. "I know how we all focus on the negatives of Covid, but I want to focus on the positives such as resilience, support, and respect that has been shown to all across the Rosebank Group."

Stefan says three words have helped him in his first year: thankful, grateful, and decisive. Stefan says these words have enabled the RBA board to focus on the core goals of making Rosebank Road a Safer, Cleaner, Smarter place to be.

Special mention was given to the RBA board for their work. Also mentioned for the strong contribution made were the RBA management team, local Councillors and Whau Local Board members, Auckland Transport, other business association groups and the major RBA partners.

Wayne Eccles resigned from the board this year as he has moved out of the Rosebank Road area. The board wishes him all the best and was thankful for the contribution he made.

While the past year has resulted in a modest surplus, the overall revenue was slightly higher than 2020, which is a credit to the hard work of the management team. Treasurer, Janine Roberts was pleased to report new income streams helped recover the shortfall. With costs slightly higher than 2020, she believes good investments have been made in the community which is expected to have positive results moving forward.

One of these new areas to the RBA has been the growth of the Rosebank Wellbeing Collab. This initiative is a collaboration between the RBA and Healthy Families Waitākere to create a

shared vision to grow workplace wellbeing in the Rosebank business community.

As part of this collaboration, The RBA Business Challenge was a fantastic way for local businesses to come together in a fun, supportive way. Also implemented as part of Rosebank Wellbeing Collab were free health checks for staff held within Rosebank, financial literacy platforms for the Rosebank businesses staff supported by Haven, and more recently, COVID-19 vaccines set up for Rosebank staff and their families. A big thanks to RBA Executive Engagement Manager, Kim Watts and Healthy Families Waitākere for driving this.

Phil Clode, RBA Business Development Manager, talked about the last year and the challenges in a Covid world. Following on from last year, the RBA has continued to pour immense energy into the digitalisation of the group. A new marketing connection through social media channels via NZME and now Live Wire Media has seen a huge increase in foot traffic to the Roundabout magazine which has now gone digital. This new channel has had a massive impact on foot traffic to the website and has given the RBA and its members a much stronger audience. Reaching members is vital for growth and this new channel is proving to deliver stronger results for all.

The management team have big goals for the upcoming year to strengthen and stabilise the balance sheet and have been able to invest in improving communication

methods including a CRM and a newly refreshed website to keep members up to date on news and events.

The AGM saw Bernard McCrea nominated as the new RBA Patron with Craig Bodmin stepping down after many years. Bernard was the RBA chairperson for four years but recently took a break. After a year's break, he's available again as a patron to help - and as chairperson Stefan said, "he will be a great ear to share ideas with. We are grateful to have him once again."

Finally, Mike Gibson, the RBA CEO had his final AGM before officially signing off from his role. Mike started the RBA in 2001 and his work from the start, creating and building up the RBA has been invaluable.

"I'm saddened this is my last AGM," he said. "I shouldn't be, as I've had a great time. To you all, a special thanks. It's been a ride and I've thoroughly enjoyed it."

As the meeting concluded, Stefan signed off with a clear message – the RBA and its members have done amazing work over the last 12 months over a challenging time. Looking forward, the board is committed to continue its work to make Rosebank a Safer, Cleaner, and Smarter place.





congratulations!

**to the Your West Support Fund
recipients for 2021.**

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|---|------------|
| Babystart Charitable Trust | \$3,000 |
| Al Murtaza Association (NZ) Incorporated | \$2,000 |
| Dynamic Badminton Association | \$5,000 |
| Waitākere Cadet Unit | \$2,500 |
| Bellyful West Auckland | \$5,000 |
| Waitākere Gymnastics Inc | \$4,000 |
| Henderson Valley Pony Club | \$4,000 |
| Henderson Bowls Inc | \$5,000 |
| Glenavon Community Trust | \$5,520 |
| Henderson Falls Friendship Club | \$500 |
| Waitematā Scottish Country Dance Club | \$651.16 |
| The Huia Settlers Museum Charitable Trust | \$1,199.46 |

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|---|------------|
| 6th Auckland Girls' Brigade | \$1,600 |
| Auckland Waitākere Roller Sports Club Inc | \$1,923.75 |
| Glendene Playcentre | \$2,000 |
| West City Baseball Club | \$5,000 |
| Titirangi Badminton Club Incorporated | \$5,000 |
| North West Toy Library | \$2,000 |
| Rānui Playcentre | \$2,000 |
| Neighbourhood Support Waitākere | \$5,000 |
| Laingholm Playcentre | \$2,000 |
| Waitākere Hockey Club Incorporated | \$5,000 |
| Waiaatarua Playcentre | \$2,000 |
| Interacting | \$5,000 |



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| Starling Park Sports Club Incorporated | \$5,000 |
| Te Atatū Indoor Bowling club | \$3,000 |
| TAP Lab Incorporated | \$5,000 |
| Upper Harbour Ecology Network | \$5,000 |
| Waiatarua Volunteer Fire Brigade | \$2,000 |
| Te Uru Contemporary Gallery | \$10,000 |
| Waitākere Bears Baseball Club Incorporated | \$5,000 |
| Massey Amateur Swimming Club Incorporated | \$5,000 |
| Communicare CMA (Ak) Inc | \$3,000 |
| Life Education Trust Auckland West | \$3,000 |
| West Auckland Community Toy Library | \$3,000 |
| West Harbour Playcentre | \$5,000 |
| HBC Community Trust | \$5,000 |
| Te Atatū Peninsula Community Trust | \$3,000 |
| Henderson Squash Club Inc | \$5,000 |
| Community Waitākere Charitable Trust | \$3,000 |
| Triangle Park Community Teaching Garden Charitable Trust | \$5,000 |
| Re-Creators Charitable Trust/ The Re-Creators Ltd | \$5,000 |
| Glen Eden Tennis Club Inc | \$2,246 |
| Playhouse Theatre Incorporated | \$5,000 |
| No. 3 Squadron (Auckland City) Air Training Corps | \$3,000 |
| Kelston Community Hub Incorporated | \$10,000 |
| Waitākare Auckland Brass Ltd | \$5,000 |
| Auckland Marathi Association Inc | \$5,000 |
| Mobility Assistance Dogs Trust | \$2,860 |
| Age Concern Auckland Incorporated | \$5,000 |
| Te Atatū Endeavour Sea Scouts | \$5,000 |
| Community Support Waitakere | \$5,000 |
| Glenora Rugby League Football Club Incorporated | \$5,000 |
| Netball Waitākere | \$10,000 |

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|---|----------|
| Red Leap Theatre Charitable Trust Board | \$5,000 |
| Kelston Community Trust | \$5,000 |
| Hobsonville Yacht Club | \$5,000 |
| Te Atatū Toy Library | \$4,000 |
| Waitākere City Rugby Football & Sports Club Inc | \$5,000 |
| West Harbour Tennis Club Inc | \$5000 |
| SCOW Incorporated | \$10,000 |
| Living and Learning Family Centres Foundation | \$5,000 |
| Rānui 135 Leadership Team | \$15,000 |
| Glendene Community Society Inc. | \$5,000 |
| Titirangi Playcentre | \$5,000 |
| Massey Playcentre | \$5,000 |
| Te Atatū Peninsula Bowling Club Incorporated | \$5,000 |
| Waitematā Table Tennis | \$10,000 |
| Protect Piha Heritage Society Inc | \$10,000 |
| Bay Olympic Soccer and Sports Club | \$5,000 |
| Crescendo Trust of Aotearoa | \$5,000 |
| Bike Avondale (Umbrella Organisation is *Avondale Community Action) | \$20,000 |
| Glen Eden Playcentre | \$5,000 |
| West City Band Inc | \$5,000 |
| The Auckland Diving Community Trust | \$5,000 |
| Te Kōhanga Reo o Te Kōtuku | \$5,000 |
| Green Bay Community house | \$10,000 |
| WIA Hindi Language and Cultural School | \$9,000 |
| Kaipātiki Project Incorporated | \$15,000 |
| Silver Fern MotorSport Charitable Trust | \$5,000 |
| MPHS Community Trust | \$20,000 |
| RiverCare Group Te Wai o Pareira | \$20,000 |
| Piha Surf Life Saving Club | \$10,000 |
| Rotary Club of Henderson Charitable Trust | \$10,000 |



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| Avondale Community Action | \$20,000 |
| West End Rowing Club | \$5,000 |
| Whau Coastal Walkway Environmental Trust | \$20,000 |
| EcoMatters Environment Trust | \$20,000 |
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| Community Waitākere | \$25,000 |
| Waitākere Badminton Association | \$5,000 |
| Auckland Basketball Services Limited | \$5,000 |
| Blockhouse Bay Community Centre | \$10,000 |
| Suburbs New Lynn Cricket Club | \$5,000 |
| Glen Eden Bowling Club | \$5,000 |
| Friends of Oakley Creek Te Auaunga Inc | \$20,000 |
| Gecko Trust | \$20,000 |
| Going West | \$15,000 |
| Kotuku Trust | \$5,000 |
| Henderson Budget Service | \$25,000 |
| Oratia United Sports Club | \$5,000 |
| Waitematā Rugby Union Football and Sports Club INC | \$5,000 |
| Hospice West Auckland | \$25,000 |
| Whau the People Charitable Trust | \$15,000 |
| Just Move Charitable Health Trust | \$5,000 |
| Waitematā Rowing Club Inc | \$5,000 |
| West Coast Rangers Football and Sports Club Incorporated | \$5,000 |
| Waitematā Football Club | \$3,000 |

| | |
|--|----------|
| Te Kura Kaupapa Māori o Hoani Waititi Marae | \$10,000 |
| French Bay Yacht Club Inc | \$5,000 |
| Glen Eden Community House Inc | \$10,000 |
| The Gallery | \$15,000 |
| Zeal Education Trust - Waitākere | \$25,000 |
| Waitākere Ethnic Board | \$20,000 |
| Sport Waitākere | \$25,000 |
| Titirangi Community House Society Inc | \$10,000 |
| Waitākere Central Community Arts Council | \$1,500 |
| Auckland Curling Club | \$1,500 |
| Rānui Swanson Football Club | \$2,000 |
| West Auckland Pasifika Forum Community Trust | \$10,000 |
| Netball Northern Zone | \$5,000 |
| Laingholm Baptist Church | \$2,000 |
| Roosters Softball Club Inc | \$2,000 |

130

**community organisations
received a share of
\$1,000,000 of funding
from The Trusts.**

Grace's Amazing Start

Grace Nweke's latest milestone on her meteoric rise was her first game as a Silver Fern. With a loss to England of 55-45, it was not the spectacular debut that many were hoping for. Grace came on in the second half, just as England's Roses were ascending, playing a tight disciplined game. Simultaneously, the Silver Ferns had lost momentum and were becoming more disjointed. The passes to Grace were often too short or too deep, so she didn't get as much ball as she could have done. Despite that, she got 16 goals out of 20 shots. That 80% rate reflected some nervousness at the step up to international competition. It is lower than her success rate in the ANZ Premiership which was 90% and 852 goals.

Grace and her twin brother were born in New Zealand. She is one of six children, including two sets of twins. Her Nigerian parents, Fortune and Chidinma, immigrated here via South Korea. "My dad always tells me they were living in South Korea the year Helen Clark came for a visit. He saw pictures of New Zealand in the newspaper and thought 'Wow, what a beautiful place to raise a family'," Grace Nweke says. "Before they knew it, they were on a plane to New Zealand."

Grace received an Aspire Scholarship for years 9 and 10 for AGC Sunderland in Henderson. Other than that, she did all her education in the Whau. Starting at New Lynn Kindergarten she went on to New Lynn Primary School. Then it was onto

Blockhouse Bay Intermediate, ACG Sunderland and finally Avondale College.

After making a start playing netball in Y4 at New Lynn Primary, Grace went on to make the top team at Blockhouse Bay Intermediate School. In Y8, she missed out on the top netball team. At Avondale College in year 11, she gave basketball a go. That didn't work out so well when she played like it was netball, stopping and standing under the hoop to shoot. In year 12 she was in Avondale College's premier team, being coached by Racheal Rasmussen. Racheal was a NZ U21 world champion.

At only 16 years old, Grace was spotted by Helene Wilson at the national U17 tournament and later at the North Island School championship. "I saw her holding and creating space for herself to catch the ball," Wilson says. "And I could see she had a really long arm span, that she could jump, and catch the ball at the height of the hoop. "Those are things you can't coach a player to do; she does them instinctively. I knew I could work with that and make her into a high-performance netball player."

After consultation with her parents, teachers, and coaches, Grace was invited to become a Mystics training partner. That is when she really came into the public eye. At 16, she was nervous on her first day with the Mystics. "I've always struggled coming into new team environments, not knowing anyone," Grace says. "I was dropping all the balls and stepping. I couldn't pass properly. I was second-guessing myself."

Grace met her idol, Irene van Dyke, at a national development camp. "She's gorgeous and so humble," van Dyk said at the time. "She's honestly like a sponge - everything you ask her to try, she gives one hundred percent. She needs to stay grounded and do a lot of shooting so it becomes comfortable, and work on her range and movement in the circle. She has so much to learn about, but with her pure natural ability, she's carving it up already. The sky is the limit for this chick!"

This year saw Grace dominate at the ANZ Premiership, helping propel the Mystics to the grand final win. She made 58 out of 62 shots. Then she got the rebound three of the four times she missed. Her coach, Helene Wilson says that Grace just wants the ball. "I just think that's something really special. I can't coach that. We can't teach people



Photo: Michael Bradley Photography

that - that's her." She says, "In the two and a half to three years that we've had her, to come from being someone who didn't feel like they belonged in this high-performance environment to where she is today, I just think that is a testament to her ability to learn, but also her maturity to have performance conversations with the girls."

After the Premiership match, Tactix defender Jane Wilson described Grace as a "weapon".

Recently, in the October Cadbury Netball Series, Grace came off the bench in the first game when the Silver Ferns were trailing the Aotearoa Men. Nweke's presence in the shooting circle - safe hands, strong in the air and accurate under the hoop - made an immediate

impact for the Ferns. She played a crucial role in turning the score around with her stand-out performance, for an eventual win 58-47. It was a far more confident Grace, compared to her first outing for the Ferns.

In the second game of the series, Grace earned her first start in the black dress. Captain Gina Crampton in the midcourt was able to deliver ball to Grace at speed in the first quarter. Momentum changed during the match for both teams. The Ferns held their nerve for a thrilling 59-58 win and won the series.

Grace is already making her mark in the Silver Ferns as a leading goal shooter. Her dad and family are very proud of her as she represents well the community that she grew up in.

Business Nuts & Bolts

Business to Business advice from **RBA Members & Partners**

Know Your Customer



Warwick Russell
SMEric Insights

Customer analytics plays an important role for your sales. No matter what you sell and who you sell it to, we are all on the lookout for ways to improve our sales processes.

However, you just might be sitting on a hidden gem - your own customer data. Look into the data you already have to make some adjustments to how you sell at the moment. Here is how to use it to guide your sales strategy and improve your bottom line.

1. Lead segmentation

Not all leads are created equal. When using customer analytics, you'll be able to analyse which customers spend more, have shorter sales cycles, and higher lifetime values.

See who spends the most and what they buy the most. Prioritise new leads based on who is likely to purchase soon, buy more and have a better customer lifetime value. Don't waste time chasing leads that never convert.

For each customer, you can also compare their cost of acquisition and customer lifetime value. Perhaps customers that come via referrals bring in the most revenue? This gives you an idea of what kind of customers you should pursue, and you can segment your leads according to the potential lifetime value.

Segmentation and scoring help us determine who the most important leads are so we can ensure they get contacted by our most experienced sales team members. This also means you're wasting less money on things like email marketing, social media

ads, sales funnels that are not converting, etc.

2. Product development

To develop a great business, you need to listen to your customers and their needs. Your loudest customers may not be the ones bringing in the most revenue. You need to be strategic about choosing where your product goes. Use customer analytics to ask your most important customers how you can create a better product for their use case.

3. Becoming agile

The more you know, the more easily you can adapt your sales approach and process. As the recent pandemic has shown us, no business is completely safe from major changes happening in the world or even your industry and niche.

Your customer analytics could show you that your customers are suddenly prioritizing a different set of features or price point. Perhaps there's a sudden loss of customers in a certain segment.

The more you keep tabs on what your customers are up to, the easier it will be to change your approach quickly.

4. Collect data from a variety of sources

Your customers may have lots of touchpoints before they convert. Some sales cycles can go on for months. When you use customer analytics, you can collect data from a large number of sources to make educated decisions - website, Google Analytics, Facebook Analytics, your CRM etc.

Conclusion

Don't try doing all this in Excel. Use business intelligence and dashboard tools, to give real-time clarity so that you'll be able to move more quickly, make the right business decisions, create more sales, and get happier customers.



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Bret Gower
Smith & Partners Lawyers

Once the point of no return is reached then deciding “what next” can be simple

Shareholder disputes - what happens when shareholders disagree?

Shareholder disputes can arise for a number of reasons. We often hear from shareholders who are in a deadlock because they cannot agree on how the company should be operated, but more commonly the dispute involves a shareholder wishing to leave and the parties having no mechanism to agree exactly how that will occur, or how to agree the value of the shares.

These issues occur most often in small companies that are owned 50/50 between shareholders who think of themselves as ‘partners’ in the business (although technically that is not the correct description of their role). Often they will both be active in the business and they may have had a long and successful business together but now find themselves wanting different things.

What can I do?

Every scenario will be slightly different, so “what to do” will really depend on your circumstances. The most common issue we encounter is shareholders who, in spite of starting business with their “friend that they know and trust”, are no longer able to work together with a total breakdown of trust between them. Inevitably this means one of the shareholders needs to leave - with the other buying them out or finding a suitable replacement, or the business being wound up - assets distributed and shareholders going their separate ways.

Once the point of no return is reached then deciding “what next” can be simple if the parties are still talking and acting reasonably (technically there is no dispute).

The more complex shareholder disputes to resolve are those where there is no shareholders’ agreement in place, or one that is inadequate for the purpose. Without a roadmap for succession and rules around shareholder exit the owners of these companies are reliant on the limited provisions of the Companies Act to guide them. Unfortunately, as with most legislation, the Companies Act anticipates shareholders acting in a ‘reasonable’ manner and many of the issues that shareholders bring to us are the outcome of people behaving unreasonably.

Shareholders then have a range of options available, including (in descending order of complexity and therefore cost – in time, money and stress):

- **Negotiation** - by the time we hear from clients this has usually failed or is only partially resolved.
- **Mediation** - this is sort of like having a sensible friend helping the parties to negotiate, with a legal understanding of the likely outcomes and a large dose of pragmatism, focused on getting an agreement on paper.
- **Arbitration or litigation** - entering into arbitration requires the agreement of the parties to proceed but can be faster than a traditional court-based process (but often just as costly). Having the court intervene is a last resort and is only practical if the value of the business is such that it justifies the expense. Also, there are only limited provisions in the Companies Act for the High Court to make these sorts of determinations so the litigation risk in achieving a successful outcome is usually high.

How can a lawyer help?

A good commercial lawyer can assist by giving you an objective view of your position, set out the options available to you and the commercial implications of those options, and assist in removing the deadlock. Having a thorough understanding of this area of the law means a commercial lawyer can assist in getting negotiations back on track if they have stalled, or help to plan your strategy if you are going to mediation.

Smith and Partners commercial team are experienced lawyers focused on achieving commercial outcomes for their clients and in tandem with the dispute resolution team can resolve most issues. In the first instance call Bret Gower on 09-837 6893 or email bret.gower@smithpartners.co.nz.



Mark Marone
Dale Carnegie

Promoting Employee Engagement and Mental Health at The Workplace

Mental and emotional stress is taking a toll on employees and leading to burnout which reduces employee engagement.

Managers and executives can take steps to **protect workers' wellbeing** by encouraging time off, giving them a space to express their needs, and changing company culture and benefits.

Burnout and stress are affecting **75% of workers** - more than ever before - and experts suggest mental health will continue to decline until a new sense of normalcy appears. Companies must form strategies to ensure the mental and emotional needs of their employees are being met.

Workplace Burnout and Stress Are Affecting Employee Engagement

In a **Kaiser Family Foundation** survey, 45% of Americans agreed that the global pandemic has harmed their mental health with an additional 19% saying it is having a "major impact." **SHRM research** says 22% of employees report often having trouble concentrating on work tasks and 35% of employees report having reduced energy. When a few tired days become chronic stress and exhaustion, burnout has set in and employees disconnect from their work.

It's estimated that depression and anxiety lead to over **\$1 trillion** globally in lost annual revenue due to productivity loss and the corresponding decline of employees' physical health. But it goes beyond productivity. Burnout and mental health strain affect employee retention rates. Up to **80% of workers** say they would leave their current job for a company that focuses more on their mental wellbeing. If companies don't start concentrating more on workers' mental health, they may find themselves looking for new workers.

Strategies for Protecting Wellbeing in the Workplace

When workers are stressed, anxious, or depressed, their engagement at work declines. It's important for managers and executives to take steps toward better mental and emotional health in the workplace. Consider these options:

- **Keep the workday at work.** Workers today feel increasingly pressured to answer business messages and emails outside of work hours. Use email scheduling tools to automatically send correspondence in the morning when work begins and help employees put "Do Not Disturb" hours on their messaging apps. Switching to asynchronous communications when possible can reduce burnout and increase productivity considering workers spend up to **80% of their day** answering emails and messages.
- **Encourage using PTO.** Make sure employees are taking their vacation days, as time off is the number one tool to fight burnout.

Many employees put off restorative vacations (or staycations) for fear of appearing uncommitted or falling behind, yet their lack of time off results in lowered efficiency, productivity, and engagement. If necessary, mandate it like **LinkedIn** did with a company-wide week off in April 2021.

- **Give them a space to express their needs.** Employees are going through a lot and they need a space where they can feel safe expressing their frustrations or asking for help. These **psychologically safe spaces** foster conversation and engagement between employees and managers. Make it a point to create these spaces. Managers can also connect one-on-one with workers and ask what support that person might need to help combat burnout.
- **Add flexibility to routine.** Presenteeism - the tendency of workers to be present, but not when they can do their best work - leads to lost productivity and revenue. Adding flexibility with work from home and hybrid workplace options will allow employees the freedom to work in a way that's best for them. Flexible working hours are also a great way to provide mental health support and ensure employees are doing their best.
- **Evaluate company culture and policies.** Without managing the stress behind burnout, employees will not become reengaged. In a **Willis Towers Watson report**, 47% of companies surveyed say they will enhance health benefits. 45% are increasing mental health support, and 33% have plans to make changes to vacation and PTO policies. Managers and executives can support employees with changes to company expectations and benefits.
- **Practice empathy.** It may sound simple but practicing empathy - the act of putting yourself in someone else's shoes - can be a huge step in reducing burnout within employees. Up to **76% of employees** say more empathy from managers and executives will drive better productivity, and up to 93% of CEOs say they need to practice more empathy to address the wellbeing of employees.

Supported Employees Are More Engaged Employees

A **Deloitte analysis** in the UK showed that for every £1 (about \$2.00 NZD) spent on mental health services, an employer could expect £5 (about \$10.00 NZD) in return. Robust mental health programs benefit workers by protecting their physical, emotional, and mental wellbeing. This in turn reduces presenteeism, absenteeism, and turnover.

As managers and executives, we can help foster a low-stress environment in which employees can function at their best without feeling overwhelmed or burnt out. From encouraging workers to take time off to changing corporate culture and policies, employees need support to combat burnout and remain engaged at work.

For additional information or support, contact us at Dale Carnegie New Zealand and Pacific on 0800 328 7246 or visit us at www.dalecarnegie.co.nz

Written by: Mark Marone, PhD. is the director of research and thought leadership for Dale Carnegie and Associates where he is responsible for ongoing research into current issues facing leaders, employees and organisations worldwide. He publishes frequently on various topics including leadership, the employee/customer experience and sales.



Tracy Mulholland,
Councillor Whau Ward

Three Waters Reform

"Following public feedback received thus far, listening to publicly available presentations, reading information and hearing from many constituents, I am personally of the view that the government's proposal is not fit for purpose. I do not support the initial Three Waters proposal and more work is to be done before the model can be fit for purpose".

Over the past four years, central and local government have been actively considering the issues and opportunities facing the system for regulating and managing the Three Waters (drinking water, wastewater, and stormwater) – called the Three Waters Reform. The Department of Internal Affairs (DIA) contracted a quality test of New Zealand's (NZ) water delivery service. This test showed that Auckland's Watercare service measured far above any other water service delivery entity but was still not the best in terms of cost effectiveness and value for money. This test pointed to potential room for improvement in sustainable service delivery.

Auckland Council have recently submitted our initial feedback on the government's Three Waters Reform proposal. Council has

acknowledged that the water sector faces challenges and would benefit from reforms at a national level. It is currently Auckland Councils view that there is definite agreement that some reform is necessary to better protect and use our valuable water assets. However, the council has raised several concerns with the government's initial proposed reform model, in addition to several identified areas where further discussion is required.

Some of the key points of Auckland Council's feedback to the government on this initial proposal included:

- The initial proposed model removes both democratic accountability and direct control by councils over water service entities.
- The council supports some aspects of the reform proposal, such as a need to lift standards of water supply and quality and wastewater treatment across NZ, and a need to introduce an economic regulator to improve efficiency and productivity to ensure appropriate oversight.
- Auckland Council supports a water service entity model where real ownership continues to reside with councils and where the new national water entity is required to follow relevant council strategies.

The council has indicated a desire to continue to work with the government in consideration of alternative arrangements which would better meet both the governments and council's objectives.

Auckland Council has acknowledged and committed to having a period of public consultation on the government's final proposed Three Waters Reform model, to determine whether Auckland will 'opt-in' or 'opt-out'. Following the receipt of feedback from all local authorities across NZ, the government will then determine the next steps for the reform proposals. Our water assets will always be an incredibly valuable asset to Aucklanders, and it is important that once public consultation is open that all Aucklanders come forth with their opinions on the final proposal.

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Aaron Martin
NZ Immigration Law

The 2021 Resident Visa

Immigration New Zealand opens the 2021 Resident Visa to 1000s of health care, education, primary industry, and skills shortage workers on temporary work visas.

At last! Action from the government on the issue of residency for migrant workers - and relief for thousands of visa holders who meet the just-announced criteria.

An estimated 165,000 migrants on temporary work visas could be fast-tracked for the 2021 Resident Visa, which will offer a simplified pathway to residency on a one-off basis, primarily to workers in health care, education, and primary industries.

Minister Faafoi says more than 5000 health care workers, 9000 primary industry workers, and 800 teachers will be eligible.

What are the conditions of the 2021 Resident Visa?

Applicants must be in New Zealand on 29 September, hold an eligible class of work visa, and meet at least one of three criteria:

- Lived in New Zealand for 3+ years
- Earn \$27 per hour or more
- Work in a role on one of the scarcity lists, which can be described as:
 - o the long-term skill shortage list
 - o in health or education
 - o in personal care or other critical health care
 - o in a primary industry

A first cohort of applicants will be pulled from the residence

queue and skilled migrant category EOI pool in December and another in March.

Immigration New Zealand will email the first cohort by the end of October with more information about the application process.

Faafoi is saying the majority of applicants will be granted residency by the end of December 2022. Not to rain on their parade, but unless the process is vastly simplified, what makes INZ think they can process that many applications in a year, given the crashing failure the immigration system has already been? We are not clear how this number has been calculated. I suspect it is

grossly under calculated. If INZ doesn't deliver on this ministerial promise of faster processing, people will feel like they've just been moved from one queue to another, and it will be another failure of delivery for a Government short on success stories beyond Prime Ministerial spin.

I always start worrying when INZ starts compiling lists of occupations as they have done here, particularly when the actual rules about how they will be applied have yet to be published.

The scarce lists involved are: the long-term skill shortage list, jobs in health or education, certain personal care and critical health worker occupations, and specified primary sector jobs.

If you have to rely on one of these lists, what we are unclear on is how the roles are defined or measured.

The job titles listed as eligible for the 2021 Resident Visa come from ANZSCO, but what will applicants be required to demonstrate? Will you just need a job with a matching title or will you also have to prove that your job somehow conforms to that title, however defined?

The types of work visas that applicants must hold is already being criticised as too narrow and excludes many who have a work right, skills and talents that are valuable to businesses, especially in the candidate short markets we are experiencing presently.

While most certainly welcome, this latest announcement does beg the question - what happens to everyone else? The waiting game continues.

Minister Faafoi says more than 5000 health care workers, 9000 primary industry workers, and 800 teachers will be eligible.

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Persia Templeton
EMA Senior Solicitor

Employment Law and COVID-19 Vaccinations

Vaccination for the Covid-19 virus has been a key focus for employers for several months now and there has been a lot of confusion around the topic, with mixed advice from various sources and a muddling of the categories of employees who are impacted.

This article seeks to provide a concise summary of the core information that employers should understand around vaccinations in the workplace.

The basics

Vaccination is legally considered as a medical treatment in New Zealand, which by its very nature means that all New Zealand citizens have the right to refuse it (s11 NZ Bill of Rights Act 1990). Our Government can 'override' this in limited circumstances pursuant to section 5 of the Act, which provides that "...rights and freedoms may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". The Government has recently exercised this right by a series of Public Health Orders issued under the Health Act 1956; these cover very limited categories of worker (e.g., border workers). To date, there has been no indication the Government intends to further engage section 5 and introduce additional orders which go beyond the limited categories currently addressed.

In respect of Covid-19 vaccinations there are three main categories of employees:

1. Those subject to the Covid-19 Public Health Response (Vaccinations) Order 2021 ("the Order").
2. Current employees who may require vaccination due to health and safety concerns.
3. Future employees/applicants.

Those subject to the Covid-19 Public Health Response (Vaccinations) Order 2021 ("the Order")

The Order legally mandates that employers of particular workers (namely, MIQ and frontline staff) require those in relevant roles to be vaccinated. As has been widely publicised, a number of such employees who have refused vaccination have had their employment terminated and one of them had their case heard in the Employment Relations Authority, which we discuss further in this article.

Current employees who may require vaccination due to health and safety concerns

This category is more complex and has arguably caused the most confusion. Unfortunately, we do not have any test case law around this category yet, further reducing the absolute certainty of the legal position. The starting point is that the employer must undertake a health and safety assessment to ascertain the degree of risk with respect of having non-vaccinated workers in certain roles. This assessment would be part of a thorough consultation process (carried out in line with existing New Zealand employment law requirements) and would take into account the nature of the workplace as well (i.e., a rest home will be at higher risk than a standard office environment).

Pursuant to current New Zealand law, it is highly unlikely that anyone who does not fall into a high-risk category could have vaccination made into a mandatory requirement of their employment. The bottom line is there is currently no legislation or case law addressing this directly, so implementing a 'blanket' policy around vaccinations could increase the risk of personal grievances. On the other hand, a policy that encourages, supports and educates around vaccination is an excellent idea and certainly something which all employers should consider.

It is crucial to keep in mind (and to remind ourselves after two years of lockdowns), that regardless of the impacts of Covid-19, employment law in New Zealand has not changed. On that basis, regardless of the reason for altering or terminating someone's employment, all of the standard procedural and justification requirements remain. Employers must act in good faith, and ultimately seek to make decisions that are fair and reasonable in all the circumstances at the relevant time. This applies to all categories of employees.

Future employees/applicants

For new employees, it is not as difficult to mandate vaccination. The simplest way to incorporate it as a pre-employment requirement, and/or to include it as part of a questionnaire for employment. Although this is less restrictive, it does not remove the requirement to ensure that such information/requirement is directly relevant to the role being applied for. In other words, the requirement to be vaccinated should be linked to a serious threat of harm to the employee and those they will be working with and around, if they were not vaccinated. It is also important to be aware of the risk of (likely inadvertent) discrimination, should someone be refusing to be vaccinated or provide information around vaccination based on religion for example.

Case law - the Covid-19 Public Health Response (Vaccinations) Order 2021

In the decision of *GF v New Zealand Customs Service* [2021] NZERA 382, the Employment Relations Authority ("the Authority") heard a claim from an employee who had been dismissed by the

The
requirement to
consult in good
faith remains,
regardless of what
the Order may
ultimately
permit.



New Zealand Customs Service ("Customs") for failing to vaccinate against Covid-19. The decision specifically addresses the reliance by an employer on the Government mandated order requiring vaccination in certain roles (note, this decision does not therefore address other categories of employee regarding vaccination).

GF had been employed as a maritime border protection officer in late 2020. Their employment was specifically focused on supporting the increased demand of such officers responding to the risk of Covid-19 entering New Zealand, and "...to meet additional requirements of the Covid-19 Public Health Response (Maritime Border) Order 2020, which is a temporary order".

On 8 April 2021, the Prime Minister publicly announced that "front line border workers" (including at ports) were required to be vaccinated or if they refused, to alternatively be moved into "low risk" roles by 12 April. Concurrently, it was announced that the Covid-19 Public Health Response (Vaccinations) Order 2021 ("the Order") would come into effect at 11:59 pm, 30 April 2021. The order confirmed the Prime Minister's prior declaration (among other elements). Following the 8 April announcement, Customs promptly began to consult with the relevant impacted employees, which included GF. This consultation included a health and safety risk assessment for the work being done by the employees, to establish whether they could safely continue such work if they were unvaccinated. Following the consultation process and the impending Order coming into force, Customs concluded that its Tier 1 workers could not continue working in their roles unless vaccinated - this included GF.

GF declined vaccination under protest, citing their right to refuse medical treatment pursuant to section 11 of Bill of Rights Act 1990. Customs subsequently terminated GF's employment on 30 April, and relied on the Order, the health and safety assessment applied during consultation, and finally, an inability to sufficiently adjust the role to permit GF to remain employed, unvaccinated.

The Authority determined that the termination was justified as Customs' actions were what a fair and reasonable employer could have done in all the circumstances at the time, specifically:

- *What Customs had done and had every right to do in law and the prevailing circumstances, was determine the position GF occupied could only be safely undertaken by a vaccinated worker;*
- *Customs as a public agency had a clear responsibility to be guided by government directives to ensure public safety and public confidence in its operations;*
- *While Customs had some limited leeway to categorise its*

employees as being covered by the vaccination requirement, Customs carried out this categorisation exercise carefully and fortuitously prior to the order being enacted they had undertaken the necessary work to put in place a structured and logical approach to dealing with employees reluctant to be vaccinated;

- *Alternatives to dismissal were vigorously pursued by Customs but GF was employed in a position that was already temporary in a geographical area of few opportunities and by definition in an 'above establishment' role;*
- *GF's lack of experience in other specialist roles Customs require worked against easy redeployment and GF did not constructively engage with Customs when it was becoming obvious that GF's stance on being vaccinated would restrict employment prospects;*
- *Good faith 'runs both ways' as a mutual obligation and GF failed to engage with their employer to properly apprise them of any practical, as opposed to evident philosophical objections to accessing the vaccine.*

The decision provides guidance as to the application of the Order to certain roles and outlines the procedural requirements which are discussed earlier in this article. Namely:

- *Every employee's circumstance in this context must be assessed on their own facts prior to making any decisions in respect of their employment and vaccination status. There is no 'one size fits all', and such approach would be unwise.*
- *The Order, applied correctly, ultimately provides justification for termination of employment, subject to genuine assessment of reasonable redeployment possibilities.*
- *An appropriate health and safety assessment must be applied prior to any decision to terminate or alter employment in respect of a role which must be carried out by a vaccinated worker.*
- *The requirement to consult in good faith remains, regardless of what the Order may ultimately permit.*

Conclusion

Vaccinations in the workplace and Covid-19 creates complex issues that are new in many respects. To even consider mandating vaccination in the workplace, an employer would have to be able to establish that it is lawful to direct a particular employee to be vaccinated (based on the role they occupy and the work they do i.e. specific tasks), and that the failure to follow a lawful and reasonable instruction to be vaccinated would put the health and safety of the employer's workers and other persons to whom the employer owes health and safety obligations (i.e., customers, clients) at risk. Each decision will require a case-by-case analysis, and accordingly will be fact specific, considering the nature of the work being done and industry to which it relates.

With no case law or legislation directly addressing these issues, the above tests themselves are not formally enshrined in law and there is an inherent risk in taking such actions. Until further authoritative guidance is provided, employers should proceed with caution and seek the appropriate professional advice before proposing to take any significant actions around vaccinations.



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