

COLLINS & MAY } LAW

NEWSLETTER

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Good Faith in Employment Relationships -

Don't Lie to Your Employer!

By Nicola Goss



The ultimate goal of the Employment Relations Act is to build productive employment relations. This means that employers and employees should deal with each other in "good faith". Good faith includes obligations of trust and confidence between employers and employees. For example, all parties should be open and honest when dealing with each other, should not try and take advantage of the other, and should not be abusive or derogatory about the other.

With social networking sites being so popular in New Zealand, issues of good faith in employment now run into cyber space. Some employers are known to check sites such as Bebo, Facebook and Myspace when hiring prospective employees. Some employers may even find it useful to check up on current employees.

Wendy worked on the checkout at the "Big Red Shed", a major New Zealand Department Store. Wendy had just left school and hated work, but loved going out partying in the weekends with her friends. Unfortunately Wendy was rostered on to work some weekend shifts, which in-

terfered with her social life.

Wendy and some of her friends had planned a weekend away to celebrate a friend's 21st. Unfortunately Wendy had been rostered on to work the weekend she had planned to go away. Wendy knew there was no way she would get time off work as they were already short staffed, especially over the weekends and the Big Red Shed was having a sale that weekend, so the store would be extra busy. Wendy decided to call in sick over the weekend. To make it more authentic she called in sick on the Thursday and Friday before the weekend as well, just so her employer believed she was really really sick.

Wendy had a great time away with her friends, and took lots of crazy photos of them partying. Some of them even showed her and her friends dressing up in her Big Red Shed work t-shirt while drinking. Wendy posted all of her weekend snaps on her Bebo page, so her friends could look at them too. Unfortunately

one of Wendy's managers at the Big Red Shed also had a profile on Bebo. When she checked Wendy's site she noticed the photos Wendy had posted of her partying with her friends, over the weekend not lying in bed sick as she had claimed.

Wendy was called in for a disciplinary meeting with her employers due to her dishonesty and lack of good faith. The fact that Wendy lied to her employer about being sick and then showed her employer up by showing photos of her in her work uniform partying was detrimental to Wendy's employment relationship. Wendy was issued with a written warning which stayed on her permanent record.

It is important to remember you have obligations as both an employer and an employee of good faith. Remember even your actions outside of work hours could impact on your employment and result in warnings or dismissal. If you have any queries regarding what your obligations are feel free to contact us.

Next Issue: Mediate and Save Money