

COMMUNITY LAW LEGAL GUIDE

Employment, Family and Tenancy



Kia ora! This handout brings together the main messages from our Employment, Family, and Tenancy sessions. It's designed to be easy to skim and to point you to free help if you need it. For detailed info, the Community Law Manual online is an excellent place to start: communitylaw.org.nz/manual.

Employment: your rights at work

Before anything else, check whether you're legally an "employee" (not a contractor/volunteer). If you're an employee, NZ employment law protections apply.

- You're presumed to be an employee if you work under an employer's control for pay, your legal status depends on what you actually do, not just what the contract is called.
- Ask Community Law to look over your agreement before you sign. You can always take it away and read it first.

Employment agreements (get it in writing):

- Describe the job, hours, location, pay rate, holidays, and how problems are resolved.
- Signed copies for both sides. Keep a copy.

Minimum rights you can't sign away:

- Minimum wage; paid public holidays; annual leave (generally 4 weeks after 12 months for full-timers).
- Sick leave (generally 10 days/year once you meet the 6-month rule) and bereavement leave.
- A healthy and safe workplace; no discrimination; good-faith dealings both ways.
- Rest/meal breaks during the workday (number depends on hours worked).

Kiwisaver (opt-out within 2-8 weeks if you don't want to join):

- Choose 3%, 4%, or 8% employee contributions; most employers add 3%.

- Funds usually locked in until 65 or first-home withdrawal; but a hardship options exist if you need the money earlier (see sorted.org.nz).

Deductions and losses:

- Your boss generally can't take money from your wages for losses outside your control (e.g., a drive-off at a petrol station or damage at work).

If problems arise (personal grievance):

1. Talk to your employer as early as possible and take notes.
2. Get advice from Community Law. You normally have 90 days to raise a grievance in writing.
 - a. Your personal grievance will need to fall under an existing category; unjustified disadvantage, unjustified dismissal or discrimination/ harassment.
3. If needed, free mediation is common; the Employment Relations Authority is the formal next step.



Family: parenting arrangements, safety, and support

The Family Court is less formal and aims to help whānau resolve issues safely and in children's best interests.

Care of children (after separation):

- Start with an informal Parenting Agreement if it's safe to do so. You can write it up (and later ask the Court to turn it into an order).
- Parenting Through Separation (free 4-hour programme) is required before most court steps.
- Family Dispute Resolution (FDR) mediation is usually required unless there are safety concerns or it's inappropriate (e.g., family violence).
- If agreement fails, apply to the Family Court: 'on-notice' (non-urgent) or 'without-notice' (urgent safety issues).

Oranga Tamariki (OT):

- Handles child-protection concerns. Processes include reports, family group conferences, and, if needed, court applications.

Family violence:

- Violence includes physical, sexual, psychological, and financial abuse. Call Police on 111 if you're in danger.
- Police Safety Orders can remove the violent person from the home for a short period (up to 10 days) immediately.
- Protection Orders from the Family Court give longer-term protection. They usually start as temporary (without-notice) and can become final.
- Standard conditions include non-violence and no-contact (which you can suspend/reinstate at any time)

- Keep yourself safe: safety plans are a must, record incidents, see a GP, save key documents, change passwords, talk with trusted supporters.



Tenancy: renting your home

Most tenancies in Dunedin are fixed-term, but periodic tenancies continue until ended with notice. Always get a written tenancy agreement.

Tenant responsibilities (the basics):

- Pay rent on time; keep the place reasonably clean and tidy; tell the landlord about damage/repairs quickly; respect neighbours.
- Flatting: tenants are usually 'joint and several' you can be held responsible for the full amount owing if others don't pay. Consider contents insurance.

Tenant rights (privacy & access):

- Landlord entry only with consent or proper notice. Inspections: 48 hours' notice (8am–7pm). Repairs: 24 hours' notice (8am–7pm).

Landlord responsibilities:

- Provide/maintain locks; keep the property in reasonable condition; don't interfere with your quiet enjoyment; can't seize your goods or cut utilities.
- Fix fair-wear-and-tear; this includes damage that would usually occur just from living on the premises such as faded paint or wall paper from sunlight, minor scuff marks, loose door handles and hinges.
- tenants aren't liable for damage by intruders or people there without permission.
- For non-urgent repairs, give written notice and allow up to 14 days; for urgent safety issues, contact the landlord, and if you can't reach them, arrange repairs and seek reimbursement.

Bond & rent:

- Bond = max four weeks' rent; landlord must lodge it with Tenancy Services (you should get a receipt).
- Can't be asked for more than two weeks' rent in advance; rent increases need 60 days' written notice.
- The landlord also can't raise the rent more than once every 12 months.

Healthy Homes standards (apply to all rentals):

- Minimums for heating (living room capable of 18°C), insulation, ventilation (including kitchen/bathroom extraction), moisture/drainage, and draught-stopping.
- Some limited exemptions (e.g., pending demolition consents, unsafe/impractical access, part-ownership constraints).
- If your home doesn't comply: ask for the Healthy Homes statement, issue a 'notice to remedy,' then apply to the Tenancy Tribunal if needed.

If things go wrong:

- Don't stop paying rent (as you'll likely be liable for it), apply to the Tenancy Tribunal instead. Application fee is low and you can file online. Bring all possible evidence (tenancy agreements, 14-day

notices, inspection reports, photos).

- When looking to apply to the tenancy tribunal it's important that you make it clear to the adjudicator what argument you are trying to make, this will give you the best chance of winning à you can achieve this by have organised and labeled evidence and concise points
- Flatmate disputes go to the Disputes Tribunal (up to \$30,000).



Where to get help (free or low-cost)

- Community Law Otago – free legal advice sessions (Mon–Thu). communitylawotago.co.nz • 169 Princes St, Level 1. Confidential, supervised by volunteer lawyers.
- Community Law Manual – plain-English online guide: communitylaw.org.nz/manual
- Tenancy Services – info, bond, and Tribunal applications: tenancy.govt.nz
- Family Court & Ministry of Justice – forms, Parenting Through Separation, FDR info: justice.govt.nz
- Police – 111 in an emergency.
- Women's Refuge – safety planning and support: womensrefuge.org.nz
- Sorted – money and KiwiSaver tools: sorted.org.nz

If in doubt, come see Community Law. Bring any letters, emails, photos, or agreements so we can give you the best help.