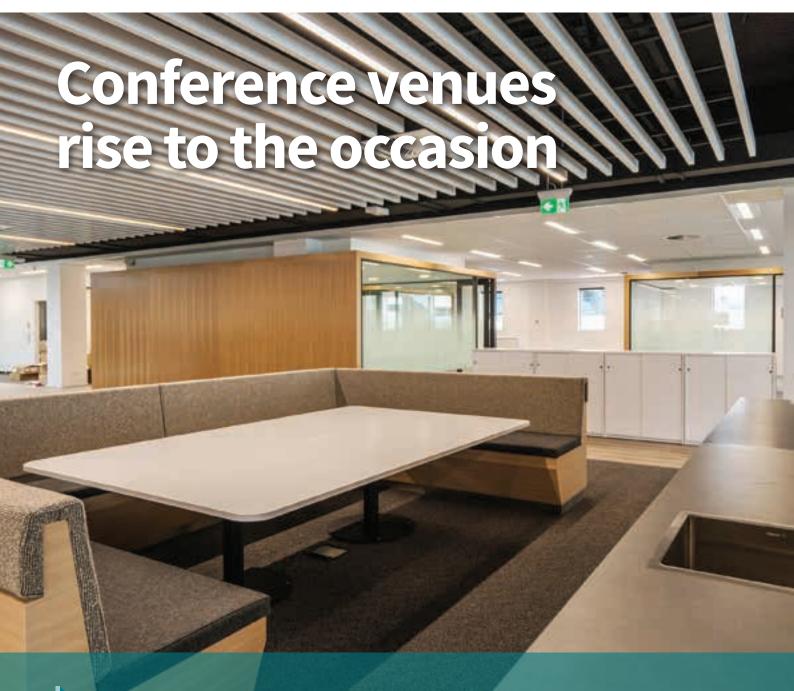
# INSI SEPTEMBER/OCTOBER 2016



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New design New Design for Insight magazine **Training numbers**Record Numbers of
Kiwi's in Training

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### President's report

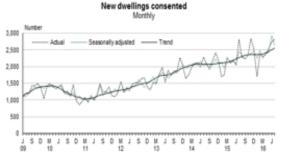
From the trowel of Stuart Phelps



elcome to the Jungle', an appropriate title for the current industry and that fact that most of the "The Rock" radio station listeners have their dream band arriving on our shores early next year to help us celebrate the years rocketing past.

While we are watching the world turn, it appears the global economy is not really effecting the growth to the New Zealand building market. It can be easy to get distracted by overseas elections, terrorism and the Burkini, however, observing our own back yard shows, low OCR, election next year and more people than houses. Two of these things are a positive thing to those of you reading this.

Due to an ever increasing ability to rent money for a bargain at New Zealand standards, June and July figures show an average increase of 10% in building consents, however, a large and significance increase in the value of residential and nonresidential worth's of up to 40% as the graph shows.



Source: Statistics New Zealand

All this activity has created opportunities for all business owners and tradesmen to be better at the art of important issues like people management, systems and the income generated from selling labour. Although busy-ness can distract from basic practises of running a job, I believe it is important to measure costs and income as often as possible, to ensure the longevity of you and your undertakings in securing a future.

The upcoming AWCI conference at the Novotel in Rotorua on the 30th of September-2nd of October 2016 has been themed Go big or Go home. The timing could not be better as many companies are feeling out of control, getting lost in the frenzy of 'too much work'. While networking is important,

I feel speaking and connecting with fellow tradesmen over current and present matters promotes learning and a greater understanding of these complex professions.

Observing the functions of your business is complimented by the diverse yet relevant speakers that Richard has programmed as they present their knowledge and expertise's throughout the conference. You can take the information learned and encourage your team, customers and yourself to be better. This can often be the key to your business being the best it can be. For more information and not to miss anything go to awci.org.nz/ wp-content/uploads/2016/08/2016-Programme-Outline-2.pdf

Love to see as many as you there as possible and please come and say Hi. Please let me know if there is anything we can do outside the conference to help better your business for the benefit of all involved. Kind regards, Stu Phelps

### Construction news

### WORKSAFE CONSTRUCTION **ROADSHOW**

### Coming soon to a town near you!

WorkSafe's annual construction roadshow kicks off on 19 September in Gisborne. This year they're focusing on the new Health and Safety at Work Act, and offering case studies to plan for and manage common risks such as breathing in construction dusts, staying safe around vehicles and mobile plant and the safe use power tools.

The roadshow provides opportunities

- •Meet with local WorkSafe inspectors
- •Hear practical examples of what WorkSafe is seeing on sites
- •Get expert advice from sponsor reps

The roadshow is hitting 34 locations from Kerikeri in the north to Invercargill in the south. It's free to attend, and counts as three hours of Licenced Building Practitioners learning. All sessions start at 5:30pm - check out the itinerary and book your place now at http://www.bsm.org.nz/meetings.html

### **DEFINITION OF CONSTRUCTION WORK**

The definition of 'construction work' has been broadened to include design, engineering and quantity surveying work. The expanded definition, which is effective from 1 September 2016, was brought into effect under the **Construction Contracts Amendment** Act 2015. Under the change, parties to contracts related to design, engineering and quantity surveying will now be able to access the payments and dispute resolution services under the Construction Contracts Act 2002.

The broadened definition allows designers, engineers and quantity surveyors to ensure they are properly paid for their services in a timely manner. It also helps consumers hold architects, engineers and quantity surveyors to account for their work.

The change does not affect contracts entered into or renewed before 1 September 2016.

In other changes that came into force on 1 December 2015, residential and commercial construction contracts are now treated equally under the Act, and adjudication and enforcement processes have been improved.

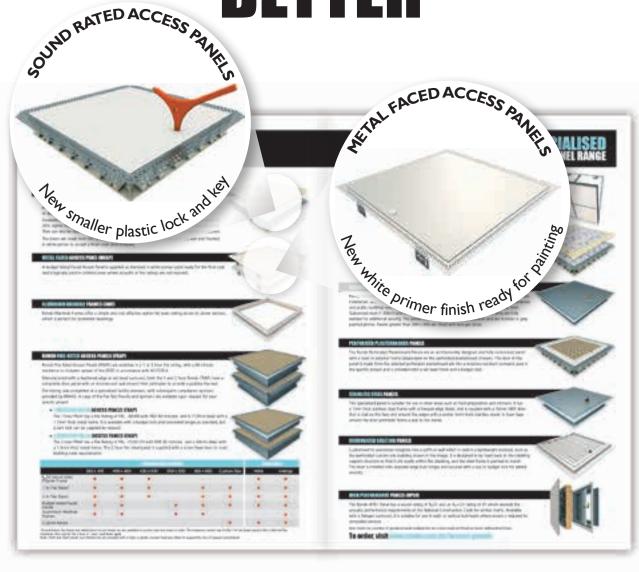
Our page Construction Contracts Amendment Act 2015 has more information about the Act.

### **CIC INDUSTRY GUIDELINES**

The New Zealand Construction Industry Council (CIC) has just announced the re-issue of their industry Design Guidelines. The comprehensively updated Guidelines produced by the CIC update a set produced some 10 years ago and incorporate requirements that satisfy the latest building and engineering trends and practices as well as new regulations, such as the Health and Safety at Work Act 2015 and BIM processes.

http://nzcic.co.nz/resources/ guidelines/

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### 10,000 Kiwis in construction apprenticeships

record number of Kiwis are deciding a career in the trades is the best way to build their future, with more New Zealanders in trade apprenticeships than ever before.

For the first time in the organisation's history, the Building and Construction Industry Training Organisation (BCITO) now has 10,000 apprentices actively working towards qualifications in the building and construction industry.

**BCITO Chief Executive Warwick Quinn** says this is an extremely important milestone.

"This is the first time we have ever had this many apprentices in training at one time. But we need even more if we want to meet the current and future building boom" he says.

"As per recent Government announcements predicting an additional 50,000 construction jobs by 2021, we are expecting big growth in demand for skilled tradespeople. However, on top of new jobs, our

construction industry has an aging population. When we add new jobs to replacement jobs, the total is quite astounding.

"Yes, we have 10,000 apprentices, and BCITO is signing up around 3,000-4,000 new apprentices each year. Unfortunately this doesn't come close to supplying the number of skilled people industry actually needs by 2021.

"Given the fierce demand for apprentices, the time is certainly ripe for a career in construction" Quinn says.

Scott Fisher is the 10,000th apprentice to sign up with BCITO. Scott works at A J Saville Builders in Queenstown and believes becoming a carpentry apprentice has been a great way to formalise his skills and to cement his job prospects in the future.

"As an apprentice, I get the chance to put my skills to work. There are many opportunities to develop a great career. New Zealand has a very reputable construction industry and it's fantastic



(left to right) Scott Fisher; Warwick Quinn, CE, BCITO; Niall O'Neill, A J Saville Builders.

to be a part of it!" he says.

BCITO has organised a range of nation-wide promotions in recent months to attempt to bolster supply of apprentices. These have included the Not Your Average Shed campaign, their annual Big Construction Tour and the Build-Ability challenge which is currently underway at secondary schools across New Zealand.

BCITO is the largest provider of construction trade apprenticeships in New Zealand. It is appointed by the Government to develop and implement industry qualifications for the building and construction sector. BCITO provide a range of apprenticeships across fifteen trades within the building and construction industry.

### New asbestos regulations

- what you need to know

sbestos is New Zealand's number one killer in the workplace. Around 170 people die each year from asbestos-related diseases. As part of the new Health and Safety at Work Act, the WorkSafe regulations around working with asbestos changed. To help you understand these changes, the team at Site Safe have put together some quick tips on what you need to know.

1. A licensing system for the removal of asbestos has been introduced by Worksafe:

There are two types of licences, Class A and B, which determine the type and amount of asbestos that you can remove.

Class A holders can remove:

- friable asbestos or ACM (asbestos containing material)
- · asbestos-contaminated dust or debris (ACD)
- non-friable asbestos or ACM



Class B can remove:

- non-friable asbestos or ACM
- · ACD associated with removing nonfriable asbestos or ACM

No licence is required for removing:

• 10m<sup>2</sup> or less of non-friable asbestos or ACM (cumulatively over whole project)

and the associated ACD

· minor amounts of ACD, not associated with the removal of friable or nonfriable asbestos

Licence holders can nominate supervisors on their WorkSafe licence to supervise workers. A licence

must have at least one nominated supervisor. There is no limit to the number of supervisors as long as they meet the criteria.

Supervisors must be: aged 18 or over, have a level of experience relevant to the Class of licence, be present at the removal area when Class A work is carried out, and in the vicinity and readily available whenever Class B work is being carried out, and be suitably qualified as per WorkSafe requirements.

From April 4, 2018 assessors will be required to provide air quality monitoring and clearance certificates for Class A removals.

2. Notifications of licensed asbestos removal should now be made to WorkSafe five days before work starts.

3. A transitional period applies until April 4, 2018:

Current certificate holders can continue to operate until the certificate expires, or until April 4, 2018, whichever is

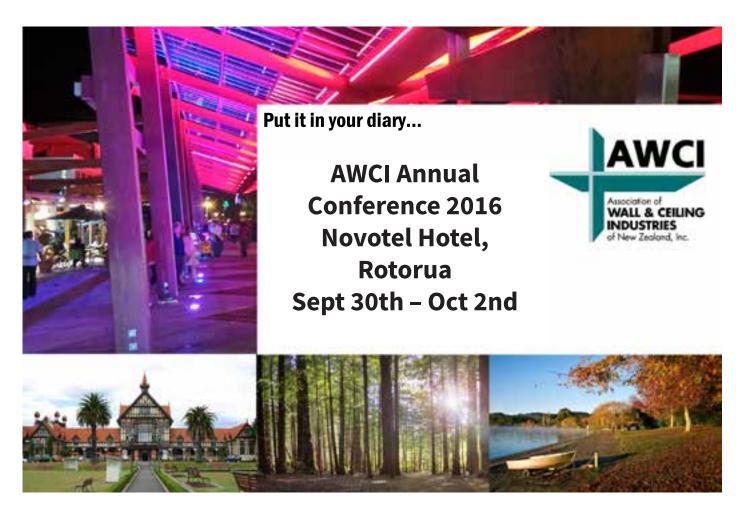
If you remove friable asbestos or more than 10m<sup>2</sup> of non-friable, you must apply for a licence, which will be granted with conditions.

Non-certificate of competence holders applying for a Class B licence can continue work until October 4, 2016,

as long as the PCBU has applied for a licence, follows the regulations and notifies WorkSafe before removal.

Supervisors must have completed the correct training by the end of the transition period.

Site Safe is a not-for-profit, membership based organisation that promotes, inspires and supports a culture of health and safety in New Zealand construction.





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### Times are changing for Christchurch's oldest Trade **Training Institution**

Ara Institute of Canterbury is a vibrant and progressive tertiary institute providing, tertiary level education throughout the Canterbury and Waitaki region. Ara was created in 2016 when education providers CPIT and Aoraki Polytechnic merged, bringing together two wellestablished organisations and over 200 years of collective experience and success.

The new name Ara Translated from Maori means pathway and that is exactly what happens to our Interiors students when they enroll on the Ara Institute Plasterboard Course. They commence a pathway into a career in our industry.

Along with the name change came a \$20m upgrade of our trade training facilities at our Woolston campus. The early stages of this expenditure was the construction of the new 400M2 Plasterboard workshop. An area totally dedicated to teaching interior linings and wall and ceiling systems.

The current configuration allows us to teach 20 students stopping, fixing and suspended ceilings all in the same area. The sad part of this change was that some of the old has to go. This meant the old GIB barn had to be removed. This has been the bastion of Plasterboard training in Canterbury since the mid 1980's. (If anybody can pinpoint the exact year let us know). It is estimated that since the commencement of the Pre-Trade Plasterboard Courses in the mid 1980's the 12 week pre-trade course has introduced over 1200 people into the local long term industry and an un-estimable number of short term workers. It was interesting reading some of the names engraved by Gypsum into the old GIB barns rafters. Some of those young vandals are retired now after a lifetime in the Interior Systems industry.

The next big change that becomes effective February 2016 is the transformation from the National



Interior Systems Certificate Based unit standards to the New Zealand Certificate in Construction Trade Skills with strands in Allied Trades, Carpentry, and Joinery. Level 3.

This shall take the course from the current 12 weeks to a 19 week level 3 course that combines all the construction allied trades at the core level. Benefit of this shall be that Carpenters, Painters, Plasterers and the like shall all start with that same base knowledge. Whether it be reading plans or Health and Safety they shall all be kicking off the pathway with the same base knowledge. The other direct benefit to the stopping trainees shall be the extra time that they can spend on practicing their basic trowel skills.

### Viewing angles

By Trevor Pringle Anzia, BRANZ Principal Writer

s it a quality defect or not? It can be hard to decide, but using these established guidelines and standards will help everyone to view work from the same starting point when checking for defects.

QUALITY IS SUBJECTIVE, and it pays to clearly define what parameters will be used to assess the quality of materials and surface finishes. How we view a surface can be in influenced by:

- how close we are to that surface
- the light conditions acting on that
- whether or not strong artificial light is introduced.

The MBIE Guide to tolerances, materials and workmanship in new residential construction 2015, along with other documents and industry organisations, specifies how a surface should be viewed when checking for defects.

### **INSPECT WORK FROM NORMAL POSITION**

Variations in texture, colour, transparency, reflectivity and finish should be observed and assessed while in a normal viewing position.

A normal viewing position for a person 1.5-1.8 m tall is:

- standing at a distance of 2 m or more from surfaces (see Figure 1)
- standing at a distance of 600 mm or more from fixtures and fittings
- an unobstructed viewing angle of 45°
- under uniform non-critical lighting of 500 lux – a typical indoor light level.

### **BEWARE CRITICAL LIGHTING IMPERFECTIONS**

One of the main causes of visible imperfections is side lighting that is almost parallel with the wall. Generally, imperfections that are only visible under critical lighting do not indicate unacceptable workmanship.

Critical lighting occurs naturally for a short period each day, typically 30-60 minutes in the early morning and late afternoon when the sun is low in the skv.

It is common practice to use highoutput lighting to accentuate areas requiring attention during construction, but this is not suitable for performing a subjective visual inspection of interior surfaces.

### **GLASS VIEWING** REQUIREMENTS

Glass quality is defined by AS/NZS 4667:2000 Quality requirements for cut-to- size and processed glass, which sets out the allowable tolerances for thickness, size, squareness, flatness, bow, surface imperfections and internal imperfections.

The Glass Association of New Zealand (GANZ) technical data sheet Glass quality sets out steps for inspecting glass:

1. Clean with a proprietary glass cleaner.

- 2. Stand 3 m from the glass and at 90° (square on) to the glass (AS/NZS 4667:2000 says to stand at a distance of ≥2 m).
- 3. View in normal daylighting conditions - there should be no visible imperfections. 4. If faults are evident, clean the surface again to see if they can be removed.
- 5. Re-examine and mark any remaining visible faults.

Glass quality also identifies items that may occur as a result of manufacture and may not be considered a defect.

### **VIEWING POWDER-COATED ALUMINIUM**

The Window Association of New Zealand (WANZ) standard Powder coating surface finishing - appearance in situ gives the following criteria when assessing finish quality.

View powder-coated aluminium from a minimum of 2 m. Further distance may be allowed depending on the use of the product and its in situ viewing distances.

A significant defect is a defect that is visible from 2 m and has an outside diameter more than 1.5 mm. From 2 m, the coating on the primary visible internal and external surfaces shall be of uniform appearance, colour and texture and be free from significant defects.

However, the coating may contain one minor defect as defined in section 3 of the WANZ standard for every 1 m of extruded length. A minor defect may be visible from 2 m and has an outside diameter of up to and including 1.5mm.

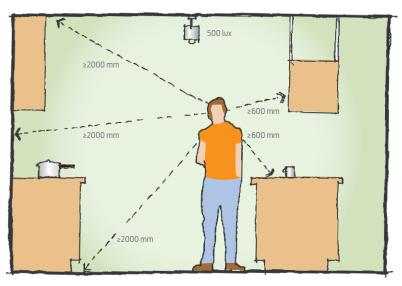


Figure 1: The normal viewing positions for checking workmanship.

### **ANODISED ALUMINIUM VIEWING**

Visual inspection of anodising after manufacture should be done from a distance of not less than 2 m in daylight, but not direct sunlight. This is according to the Window Association of New Zealand Anodising Standard SFA 3503-03:2005.

It is sometimes possible to observe, on close inspection or from certain viewing angles, variations in brightness, banding, streaming and other visual effects on the significant surfaces. These seldom impair the performance of the anodised aluminium and should not be grounds for rejecting the product on a performance basis.

### **OTHER VIEWING DISTANCES**

The MBIE Guide to tolerances, materials and workmanship in new residential construction 2015 gives the following viewing distances:

- Fixtures, fittings and benchtops standing at a distance of ≥600 mm.
- Bathroom and kitchen cabinetry standing at a distance of 600 mm to 1m.
- Non-concrete floor finishes (including decking) - standing at a distance of ≥2m.

- Tiled surfaces standing at a distance of≥2m.
- Painted non-concrete surfacesstanding at a distance of ≥2 m (AS/ NZS 2311:2009 Guide to the painting of buildings).
- Concrete or asphalt standing at a distance of 3 m (NZS 3114:1987 Specification for concrete surface nishes).
- Roofs standing at a distance of ≥3 m (recommended by the Roofing Association of New Zealand).
- Internal and external exposed architectural masonry feature walls standing not less than 6.1 m away in diffuse lighting (ASTM C90-15 (2015) -Standard specification for loadbearing concrete masonry units).
- Timber decks standing at a distance of 2 m.

For more See: AS/NZS 2589:2007 Gypsum linings -Application and finishing, particularly Appendix C, and visit www.awci.org.nz/critical-light

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### **Membership Profile**

In this issue we are starting profiles of the companies who support the AWCI. This information is provided by the member companies and is not necessarily the opinion of the AWCI.



- United States Gypsum (USG) was formed in 1901 with the joining of 30 independent gypsum companies
- From the combined innovative technologies, USG created plasterboard as we know it today
- In 1917 USG perfected the manufacturing process and created Sheetrock®, the first "drywall" plasterboard in dedicated plants, revolutionising the method of achieving a smooth wall finish
- USG mineral fibre ceiling tiles started in 1929, several textures still available today



- · Multiple mines and plants are established to meet the demand of this new technology
- Plasterboard technology was shared by USG with a number of manufacturing countries, including Winstone Wallboards in NZ
- 1952 saw Don Brown start the DONN Corporation, manufacturing steel and aluminium ceiling grid systems under the DONN® brand. Later access floors and partition walls extended the product range.



- In New Zealand DONN Pacific commences manufacturing in 1969 DONN® exposed grid in its Auckland plant, followed by ScrewFix® for plasterboard ceilings and steel stud partition systems
- In the 1970's Don Brown invents and patents the first high tensile steel seismic clip to join DONN® Cross Tees, for safer ceilings
- USG innovation creates Shaftwall™ during the 1970's by allowing the use of lightweight gypsum cavity shaft walls for elevators and stairwells. This innovation allowed construction of taller buildings, such as the World Trade Centre and Sears Tower



- In 1986, USG acquires DONN Corporation and its 15 global plants (including NZ), providing the market with a full grid and tile system. USG Interiors is created.
- Sheetrock® joint compounds and fibreglass and paper joint tapes were introduced into NZ in the early 1990's
- USG develops a new super "paperless" gypsum fibreboard, branded as Fiberock®, providing a 5 in 1 multi-function alternative lining board, available in NZ as part of our plasterboard range



- In 2000, USG Drywall Grid (based on DONN® grid technology) for plasterboard ceilings commences manufacture at the Auckland
- USG NZ launched Sheetrock® Tuff-Hide®, the first dedicated Level 5 spray-on finish in 2004
- 2010 saw USG launch new technology Ultralight Sheetrock<sup>®</sup> plasterboards in the USA



- March 2014 a 50/50 joint venture between USG Corporation and Boral Ltd formed USG Boral Building Products, over 12 countries from the Middle East to NZ, with 25 plasterboard manufacturing lines, 3 gypsum mines and 37 other manufacturing operations including the metal plant in Auckland
- October 2014, first in NZ, USG Boral Partiwall® fire and acoustic intertenancy system is built at Hobsonville Point terrace housing



- June 2015, at the BuildNZ building show in Auckland, USG Boral plasterboard is officially launched for the NZ market including the new lightweight Sheetrock® plasterboard, along with the range of technical boards, and ex-Boral compounds to compliment the Sheetrock® range
- The latest innovation, in January 2016 saw USG Boral introduce Sheetrock® lightweight technology into the plaster cove range

### Construction Contracts **Amendment Act 2015**

Changes relating to adjudication and enforcement

he Construction Contracts Act 2002 regulates payment provisions in construction contracts, provides an adjudication framework for people with disputes under construction contracts and provides options for recovering non-payment under construction contracts. The Construction Contracts Amendment Act 2015 is the result of a comprehensive review of the Construction Contracts Act 2002. The amendments ensure the Act provides:

- a fair, balanced and appropriate payment regime
- · access to fast and cost-effective dispute resolution
- cost-effective and timely enforcement of rights and obligations
- · better certainty of payment of retention money held under construction contracts.

Changes to when the Act applies

Generally, the Act applies to contracts for 'construction work'. The definition of 'construction work' has been amended to include design, engineering and quantity surveying work (collectively this work is called 'related services'). This means parties to a contract for this type of work will have access to the default payment provisions in the Act and, if disputes arise, the adjudication process.

The expanded definition of 'construction work' will come into force on 1 September 2016. This means the change does not affect contracts entered into or renewed before 1 September 2016.

Definition change The definition of 'construction site' has been changed to include land where construction work is intended to be carried out, but has not yet started. This is to ensure that designers, engineers and quantity surveyors are not limited in their ability to use the Act if physical construction

work has not yet begun.

Additional situations where the Act does not apply have been added for clarification, i.e. the Act does not apply to provisions in a construction contract:

- that are for the operation or management of a building, structure or any part of land and are not, or do not relate to, construction work
- where a party agrees to carry out construction work as a condition for the sale and purchase of second hand chattels, fixtures or fittings.

### **HOW THE ACT APPLIES TO RESIDENTIAL** AND COMMERCIAL **CONSTRUCTION CONTRACTS**

The differences between how the Act applies to residential construction contracts and commercial construction contracts have been removed. Now parties to either type of contract have full and equal access to the default payment provisions and adjudication processes under the Act. The only exception is in relation to charging orders. It is still not possible to seek charging orders against any owner who is a residential occupier of the construction site, including situations where the owner is a family trust.

### **Payments**

Payments under construction contracts are usually made in instalments referred to as 'progress payments'. The Act now makes it clear that parties are also free to agree on a single payment instead of several instalments. All payment claims now need to be accompanied by a prescribed form that outlines the processes for responding to the payment claim and explains the



consequences of not responding to, or paying, a claimed or scheduled amount. Previously this information only had to accompany payment claims served on residential occupiers.

### **IMPORTANT:**

Parts of the Act have been reordered and renumbered to make it easier to navigate. For example, sections 52 to 55 (relating to review of adjudicators' determinations) have been moved and renumbered 71A to 71D.

### **Definitions:**

- The definition of 'claimed amount' has been reworked to make it clear a payment claim can specify any payment amount the payee believes to be due under the contract.
- Additionally, a new definition for 'payment' has been inserted to make it clear that a payment means a progress payment for construction work or any other type of payment a party to a construction contract is entitled to, i.e.: a payment claim can specify amounts claimed for interest, retention money or other amounts due under the contract.

### **ADJUDICATION**

When parties can refer disputes to adjudication has been better defined by providing clear examples, in the Act, of what constitutes a dispute between the parties to a construction contract. All notices of adjudication must now be accompanied by a prescribed form that includes a statement of the respondent's rights and obligations and a brief explanation of the adjudication process. Previously this information only had to be provided with notices of adjudication served on residential occupiers.

The Act now requires a minimum of two working days between the service of the notice of adjudication and selection of an adjudicator in instances where a claimant requests an authorised nominating authority to select the adjudicator. This is to allow respondents time to understand their rights and obligations under the adjudication process before the adjudication timeframes begin.

The notice of acceptance must now be in a prescribed form. Adjudicators serve a notice of acceptance on the parties when they accept an appointment to act as an adjudicator to a dispute. The prescribed notice of acceptance will specify details about the appointment and must include confirmation that the adjudicator meets the eligibility criteria set out in the Act. Regulations will set out further details that must be included in the form.

Claimants now have a right of reply to a response to an adjudication claim within five working days. When a respondent receives a notice of adjudication, they can serve a written response to the adjudicator (and every other party to the adjudication). The claimant now has the right to serve a written reply to that response on the adjudicator (and all other parties). Adjudicators may choose to ignore any new issues material raised in the reply, and can also allow the respondent an additional response (called a rejoinder) within two working days.

### **ENFORCEMENT**

Adjudicators' determinations about rights and obligations under a construction contract are now enforceable in the same way as determinations for payments of money, i.e. through entry as a judgment in the

District Court. A plaintiff can only apply to have the determination entered as a judgment, if the conditions imposed by the adjudicator have been met and after any date the adjudicator has specified.

The limitation period for referring a dispute to adjudication is clearer. The same limitation period of up to ten years specified in the Building Act 2004, in relation to building work, applies to adjudications under the Construction Contracts Act. The time a defendant has to oppose an adjudication determination being entered as a judgment has been reduced from 15 to five working days. Additional grounds for opposing entry as a judgment have been added.

The period after which the court must enter the determination as a judgment if the defendant takes no steps to oppose it has been shortened from 15 to five working days.

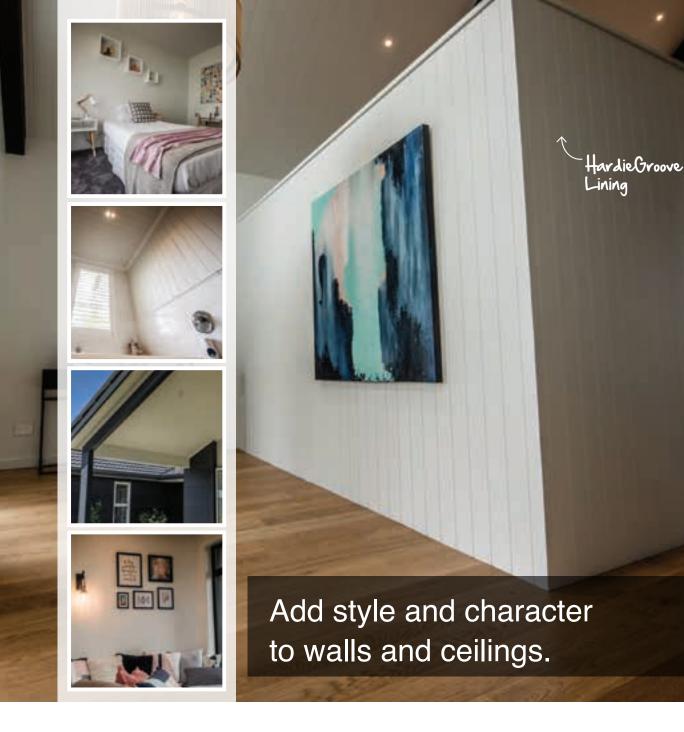
### OTHER CHANGES TO THE ACT

Service of notices: It is now clear that servicing a notice in the prescribed manner means prescribed by regulations, not prescribed within a contract.

Additional powers for MBIE: The Chief Executive of the Ministry of Business, Innovation and Employment will be able to collect information on adjudications for statistical or research purposes

What changes are being made to the **Construction Contracts Regulations** 2003?

The Construction Contracts Regulations 2003 are being amended to rewrite forms into plain English and introduce one new form - an adjudicator's notice



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### Construction Contracts Amendment Act 2015

of acceptance. These regulations are currently being made and more information will be made available on the Ministry's website in coming weeks.

### WHEN DO THESE NEW LAWS APPLY?

There are three key dates these changes take effect.

• From 1 December 2015 residential and commercial construction are to be treated the same under the Act, with

the exception of charging orders. This gives parties to residential contracts full equal access to the Act's dispute resolution and payment regimes. Contractors will not be able to obtain charging orders against residential occupiers. You can read more about these changes here.

 From 1 September 2016 design, engineering and quantity surveying work are included under the scope of the Act. This gives parties to construction contracts for these types of design work full access to the Act's dispute resolution and payment regimes.

• From 31 March 2017 retention money withheld under commercial construction contracts must be held on trust.

For further information refer www.mbie.govt.nz



### Labour Growth in North Island

he upper North Island is due to dominate economic growth in New Zealand over the next five years. The relevant authorities need to ensure that there will be an adequate supply of skills to facilitate this growth. To understand these issues Infometrics was recently involved in a project that analysed the future labour force demands of key sectors in the upper North Island. The project highlighted key growth opportunities in construction, tourism, and freight and logistics, but cautions that these sectors face skills shortages that need to be addressed.

### WHAT WAS THE CHALLENGE?

The report was commissioned by the Upper North Island Strategic Alliance (UNISA) - a group of councils in Waikato, Bay of Plenty, Auckland, and Northland whose objective is to collaborate on projects that maximise sustainable development opportunities in the upper North Island and its contribution to New Zealand. UNISA commissioned Infometrics, alongside MartinJenkins, to examine key sectors in the upper North Island, with the requirement that we:

- 1. Develop a framework for identifying and analysing key sectors.
- 2. Break sectors into various parts

of the value chain and look at the geographical links and locations of activity.

- 3. Forecast the future labour and skills requirements of each sector.
- 4. Identify any mismatches between future labour demand and supply, whether they are opportunities to be exploited or constraints that could hamper each sector.

### **WHAT WAS OUR DATA SOLUTION?**

Infometrics' web-based sector profiles provided a perfect building block for undertaking the analysis. The profiles allowed for customised sectoral definitions to be created, based on the unique mix of industries and occupations making up each sector.

Once each sector in the upper North Island had been defined, the interactive web interface allowed us to quickly come to grips with the characteristics of each sector. With the click of a button, it is easy to see how each sector's workforce was growing, what jobs and skills will be in demand, the demographics of employees, how much they earn, and how the sector compares to other sectors in the upper North Island or around the country.

The sector profiles also provide forecasts of future labour and skills demand which were translated into demand for qualifications. The demand was contrasted with the supply of qualifications coming from the tertiary education system and net migration to identify where skill imbalances are likely to occur.

### WHAT WAS THE KEY FINDING OF THE PROJECT?

The report showed that 115,000 new jobs are expected to be created across the upper North Island between now and 2020, with a further 245,000 jobs needing to be filled to replace workers leaving the labour market. Given this strong demand for labour, the report identified significant skills shortages that could appear in some occupations related to construction, freight and logistics, and tourism. The report also highlighted the strong inter-sectoral and inter-regional linkages across the

upper North Island in many of these sectors.

In a media release announcing the report, UNISA's chair, Bill Shepherd of Northland Regional Council, said "There is a clear risk that not enough people with the right kinds of skills will be available for specific sectors.

"It is crucial that we do all we can to manage the situation going forward so that the Upper North Island, and through it the country, can maximise our economic potential," said Mr Shepherd.

### WHO NEEDS TO TAKE NOTE?

This information is extremely useful for central and local government, tertiary education organisations and industry associations. By highlighting likely future skill imbalances, decision makers and stakeholders in the affected sectors can develop plans to mitigate the effects so that they do not adversely affect their local economy.

For more details, get in touch http://www.infometrics.co.nz/contact-us





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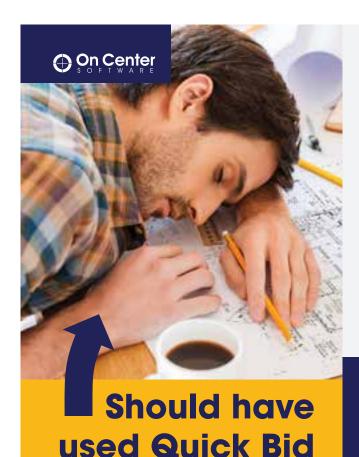
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### PUNCH-UP, SLOW-AS EMPLOYEE, AND CLAIMING ON 90-DAY TRIALS?!

### Common questions on employers' minds, as told to employment advisors at the Employers and Manufacturers Association (EMA)

The 90-day trial: I thought there was no way an employee could lodge a personal grievance claim in relation to this? – Stu

Dear Stu

In fact it is possible to claim — although not in relation to the dismissal per se.

However, other personal grievance claims are available to the employee, such as "an unjustified action causing disadvantage". Read on!

In a recent case, the Employment Relations
Authority ordered a company to pay a penalty of
\$7,000 to its former employee on a 90-day trial, for
breaching a clause in the employment agreement.
The Authority also noted that this was a breach of
the statutory duty of good faith.

However, the Authority did not think that the company's actions were deliberate or intentional, therefore was unable to impose a penalty for the breach of good faith under the Employment Relations Act 2000.

The employee, dismissed after 78 days in the trial period, claimed that her employer had disadvantaged her by not letting her know the trial wasn't going well, as it had agreed to do in the Employment Agreement with this clause. "The employer is not required to give you reasons for your dismissal but, in good faith, will advise you as early as practicable if the trial period is not going well."

This was not only a breach of the contract but also gave her no room to improve before the 90 days were over, she said.

While there have been many cases involving

the validity of 90-day trial periods, there have been few cases where a trial period employee has claimed a personal grievance other than "unjustified dismissal". Consequently, there was little firm guidance on what could constitute a personal grievance of unjustified disadvantage.

THE AUTHORITY CONCLUDED ON THE EVIDENCE THAT THE EMPLOYEE DID NOT HAVE NEGATIVE ASPECTS OF HER WORK HIGHLIGHTED, SO THAT SHE WOULD HAVE KNOWN OR SHOULD HAVE KNOWN THAT HER TRIAL PERIOD WAS "NOT GOING WELL."

The company in this case denied any failure to provide advice on the trial period to the employee. There was a suggestion that verbal feedback was provided to her in 'stand up' meetings of the development team and some one-on-one meetings. The employer also said he had told the employee that her employment was "on the line", during a review conversation - held on the street outside the company's offices, because no meeting rooms were available at the time.

The Authority concluded on the evidence that the employee did not have negative aspects of her work highlighted, so that she would have known or should have known that her trial period was "not going well".

The Authority found this was a disadvantage, "as it denied her the opportunity to properly understand and to attempt to remedy any perceived shortcomings in her work ...". It also said the omission was "more than minor" and resulted in her being treated unfairly.



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Furthermore, the Authority held that the company "could not reasonably have failed to provide Ms Singh with early advice as to her performance". Therefore the disadvantage was unjustified.

This case reinforces the need for employers to meet the obligations of their employment agreements. It also serves as a reminder that good faith obligations still apply during trial periods.

This is why we recommend you provide feedback on an employee's performance during the trial period and let them know as soon possible if any issues arise. Although an employer is not required to give a reason for dismissal in writing under the trial period provisions, good faith obligations mean that an employee should be told the reasons verbally.

We have dismissed a guy for punching a co-worker in the face, which he admitted to doing. Now he says we didn't investigate his reasons properly and he is taking a personal grievance against us. Can he? Can we avoid this drawn-out, costly claim by getting our lawyer to talk to his? – Ken

### Dear Ken

Yes, he can try filing a personal grievance if he feels he was unjustifiably dismissed due to a flaw in the Investigation and disciplinary process.

And yes you can try getting him to mediation before escalating to a hearing before the Employment Relations Authority.

PHYSICAL ASSAULT WILL NOT ALWAYS RESULT IN DISMISSAL, HOWEVER, THE EXCEPTION ORDINARILY APPLIES WHERE THE ASSAULT OCCURS IN SELF-DEFENCE.

The Authority will consider whether you followed a fair disciplinary process including a thorough investigation. Case law shows that if an employee admits that he/she did the act in question, this removes the need for further investigation.

Further, it will help if you have documentation showing you provided your former employee with an opportunity to respond to the decision to dismiss him and asked if he had anything further to add. Physical assault will not always result in dismissal, however, the exception ordinarily applies where the assault occurs in self-defence. If he was not acting in self-defence when he struck the other man, his dismissal will likely be upheld.

The information in this article is a guide only and not to be used as legal advice without further consultation. Real names have not been used. To inquire about becoming a member of EMA to gain access to our employment services such as EMALegal solicitors at member rates and the free AdviceLine Sam-Spm, please contact EMA at the numbers below or through www.ema.co.nz.





### Construction update

### THE NATIONAL ECONOMY

Sentiment about the New Zealand economy has continued to improve during the last couple of months, with business confidence reaching its highest level in over a year, and consumer confidence at its highest level in almost two years. The latest Global Dairy Trade auction results have seen dairy prices climb to their highest level since November, while the construction and services industries have continued to perform strongly. Revised data from Statistics NZ shows that the labour market is tighter than previously thought, with the most recent measure of the unemployment rate revised down from 5.7% to 5.2% - helping to explain the persistent strength of net migration flows into

New Zealand. Inflation remains weak at just 0.4%pa, and the Reserve Bank is expected to cut the official cash rate to 2.0% at its next review to try and get inflation heading back towards the Bank's 2.0%pa target.

### THE CONSTRUCTION SECTOR

June was a very strong month for both residential and non-residential building consents. The number of new dwelling consents was at its highest since June 2004 (seasonally adjusted), while the inflation-adjusted value of nonresidential consents was the secondhighest for any month on record.

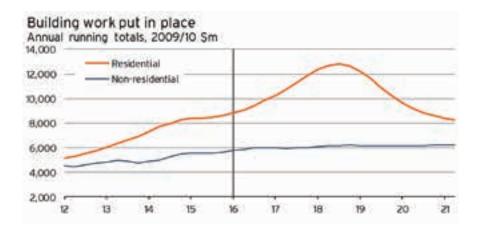
Infometrics is now forecasting that new dwelling consents will climb to an all-time high of over 40,044pa by

June 2018, with Auckland's housing undersupply a major contributor to this required increase in activity. However, there are two downside risks to this forecast. Firstly, capacity pressures are already becoming evident in the residential construction sector in Auckland, and if these constraints become more critical, activity might struggle to expand to the extent that we are predicting. Secondly, the significant tightening of loan-to-value restrictions next month could also dampen growth in residential construction (see p2). If one or both of these factors limit the lift in residential building over the next 1-2 years, then the subsequent drop-off in residential construction during 2019 and 2020 will take longer to occur.

Auckland's pipeline of non-residential building work remains significant, although nationwide growth in activity is ex-pected to be less pronounced than previously forecast. In Canterbury, downward pressure on commercial construction activity, as well as slower increases in education and social, cultural, and religious building work will limit growth over the next 12 months. By December 2018, nonresidential work put in place is forecast

al a more and	Latest	Dec 2016	Dec 2017
Gross domestic product(1)	2.4%	2.8%	3.8%
Residential consents(1)	15.7%	15.0%	22.4%
Non-residential consents(1)	14.5%	-6.8%	13.7%
House prices(2)	14.196	10.0%	5.9%
Unemployment rate <sup>(3)</sup>	5.2%	5.4%	5.3%
International net migration(4)	69,090	64,843	55,945
(1) Year-end % change	The Control of the Co	the second secon	
(3) Quarterly level, seasonally	v adjusted (4	1) Annual tota	€.

Data source: Statistics NZ, Infometrics forecasts



to be 7.8% higher than current levels, and hold around that level over the following 2-3 years.

### **Special topic: Reserve Bank's** lending restrictions might spread out the residential building workload

Modelling work by Infometrics estimates that the new loan-tovalue restrictions, which are set to be implemented from the start of September, could lead to a reduction of 19-25% in house sales volumes outside Auckland, and a drop in sales of between 7% and 14% in Auckland. Overall these results add up to a fall of 15-22% in sales activity nationally, an outcome that would be comparable to the effects of the initial LVR restrictions introduced in late 2013, which knocked sales volumes down by an estimated 18% over the following nine months.

Our graph shows the relationship between house sales activity and residential construction. Year-end growth in house sales volumes peaked at 22%pa in July 2012, and consent growth peaked at 29%pa in March 2014 - the lag between sales and consents was longer than normal due to the exceptional effects of the Canterbury earthquakes on the construction sector. In the wake of the LVR

restrictions introduced in 2013, house sales volumes fell 9.9% in the year to October 2014. Consents continued to climb during this period, but year-end growth slowed to 9.6%pa by June 2015. The reacceleration in sales growth between October 2014 and November 2015 is now being mirrored by a renewed pick-up in growth in consents.

Of course, the relationship between housing market activity and residential construction is not quite that simple, but the principle holds true - any policy change that affects turnover in the housing market is likely to also have conse- quences for residential construction. In preparing our latest set of forecasts, we had allowed for further policy moves by the Reserve Bank in terms of tighter LVR restrictions and/ or the introduction of loan-to-income limits, but the mag- nitude of the latest changes caught us by surprise, thereby raising the risk that construction activity fails to increase as rapidly as we anticipate over the next 12 months.

Data from Statistics NZ shows that residential building costs in the Auckland region rose by 2.9% in the June quarter - the biggest quarterly rise in at least a decade. Firms are reporting that both skilled and unskilled labour is becoming increasingly difficult to find, and

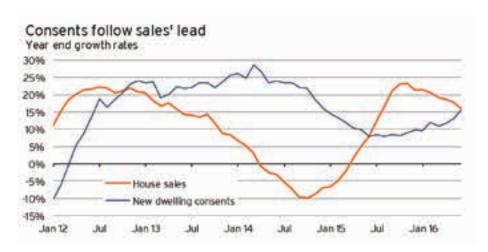
componentry, labour costs, and subcontractors' charges are all rising in response to strong demand conditions.

For the construction industry, a more gradual pick-up in residential construction activity could be a blessing in disguise. New Zealand's construction industry has a long history of major boom-bust cycles, and the lift in dwelling consent num- bers from 13,236pa in July 2011 to over 29,000pa currently already represents a huge cycle, let alone pushing numbers up further to more than 40,000pa. A slower pick-up will not reduce the overall total of new dwellings that need to be built, and could exacerbate the housing affordability problems already evident in Auckland. But the quid pro quo of a lower peak in activity is that residential building activity would hold at higher levels for longer, thereby reducing the speed or extent of the downturn in construction during 2019 and beyond.

Perhaps most critically, the impending LVR restrictions will have the biggest negative effects on housing markets out-side Auckland. Although low mortgage rates and relatively strong population growth mean that the strength in region- al housing markets has some justification, house price inflation of 20%pa in Whangarei, 26%pa in Tauranga, and 32%pa in

### **Construction update**

Hamilton is over the top. Residential building activity is ramping up in these regions, but their housing mar- kets face the risk of becoming oversupplied as construction increases over the next 24 months at the same time as population growth starts to ease. The Reserve Bank's latest policy measures could ultimately help limit the extent of any housing oversupply in these regions by slowing growth in residential construction over the coming year.











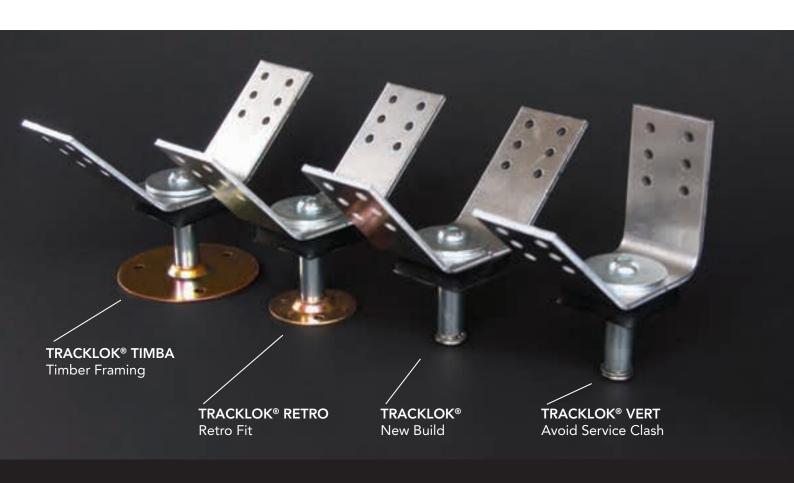
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Two clear issues here – Sounds too obvious, doesn't it? But the key fact remains that most staff members see business the wrong way up - with the



boss at the top, not the customer.

Where does this attitude come from? You guessed it - the boss. We've heard "why should we tell the staff "well done" for only doing their job? They get paid, don't they?"

Sadly, this ignores the simple fact that all people need recognition to perform well over time. And it costs you nothing but a little time, attention and energy - much less time and energy than you spend fixing up the consequences of demotivated staff!

This "wrong way up" attitude holds New Zealand Trades back – it makes for poor quality, poor customer service and higher staff turnover. The customer must be at the top – front line staff do the job for the customer, managers support the staff, and you, the owners, support the managers!



It can be fixed, and quite quickly as well. We've got long term clients where we have conducted staff surveys each year for 3 or 4 years - and the improvement in morale and quality can be dramatic – without any major changes to pay or conditions.

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2. Having good leadership training and development in place for each of your supervisory staff, from leading hands to middle managers. Especially crucial for the "foreman" level roles and production managers - hands on leadership, whilst actually doing the job as well, is challenging. Even more so when the vast majority of

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esigners, contractors or building owners may consider using other building products to those specified or requested for any number of reasons including personal preference, price or availability.

However, if you are thinking about substituting a product you need to:

- 1. consider the legal context, particularly any additional obligations you might incur from product substitution
- 2. consider the broader implications of using a different product to that specified, including whether it is fit for the same purpose and still meets the owner's needs, and then
- 3. implement any changes; for example, if substituting the product requires an amendment to a building consent.

Step 1: Consider the law. Before substituting a building product:

- · Check your contract with the owner for any potential issues.
- Make sure the implied warranties in the Building Act (section 362I) are not affected.
- If the product will be used in building work, check the manufacturer/ supplier has provided evidence of Building Code compliance and that the proposed use is within scope.

Step 2: Consider the building implications. Next, consider the wider implications for the building project, including any:

- environmental challenges
- impact on other design features
- restrictions under the Resource Management Act, district plans or similar
- interaction with other building products and systems

• impact on performance/other features required by the designer or building owner.

Step 3: Implement the changes. Finally:

- · Discuss the proposed substitution with all parties and record any changes in the contract.
- If building work is involved and the building consent has already been issued, contact the BCA for approval before going ahead. The BCA will decide whether this change is a minor variation or whether you need to apply for an amendment to the consent.
- Advise the owner of any maintenance requirements.



Refer to the Ministry's website for further information at www.building.govt.nz

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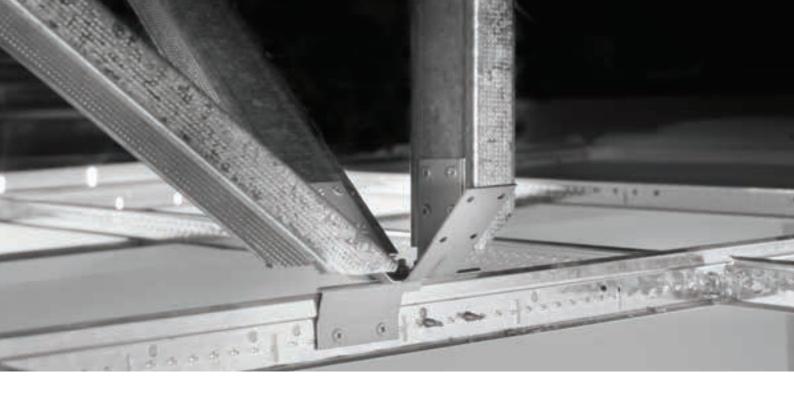
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