

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKAURAU ROHE**

[2026] NZERA 369
3376263

BETWEEN JEANETTE GO
 Applicant

AND POINT LIMITED
 Respondent

Member of Authority: Eleanor Robinson

Representatives: Pam Greenlee, advocate for the Applicant
 Danny Gelb, advocate for the Respondent

Investigation Meeting: 25 May 2026 in Auckland

Submissions and/or further evidence 28 May 2026 from the Applicant
 4 June 2026 from the Respondent

Determination: 11 June 2026

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The Applicant, Jeanette Go, was unjustifiably dismissed by the Respondent, Point Limited (Point) following a flawed redundancy situation.

The Authority's investigation

[2] The Authority received written and, under oath or affirmation, oral evidence from the Applicant, Ms Go and her sister, Joy Yang.

[3] The Authority received written and, under oath or affirmation, oral evidence from the Respondent witnesses: Ben Aro, Martin Day and Deborah Day.

[4] Oral and written submissions were received from Ms Greenlee for the Applicant and from Mr Gelb for the Respondent. Whilst I have not referred to all the submissions made by the parties; I have fully considered them.

[5] As permitted by s 174E of the Employment Relations Act 2000 (the Act) this determination has stated findings of fact and law, expressed conclusions on issues necessary to

dispose of the matter and specified orders made. It has not recorded all evidence and submissions received.

Issues

[6] The issues requiring investigation are the amount of any monies to be awarded to Ms Go in respect of:

- Compensation
- Lost wages

Brief Background

[7] Ms Go was employed in 2019 by Tamaki Building Supplies Limited as an Estimator based at the East Tamaki office. During 2019 Tamaki Building Supplies Limited was acquired by Martin and Deborah Day who became directors and shareholders. It was removed from the Companies Office Register in December 2024.

[8] Martin and Deborah were also directors of two other companies: Dayle Timber Limited (trading as Dayle ITM) and Point Limited. Following the acquisition Ms Go's employer became Point Limited.

[9] Mr Aro, General Manager Operations, said that during early 2024 there was a significant reduction in incoming plans to be estimated due to the prevailing economic climate at that time. By mid-2014 Dayle ITM had undertaken a restructure throughout the business. At that time Dayle ITM and Point Limited employed approximately 88 people, and in total 12 employees were made redundant as a result of the restructuring.

[10] While the restructuring at that time had not affected the Estimation Department of which Ms Go was a member, Mr Aro said that the number of Estimation staff hours far exceeded the plans needing to be estimated.

[11] In August 2024 the Estimation Manager advised the Estimation team of the lighter workload and encouraged them to take time off if they wished to do so. The Estimation Manager reduced his days of work to four days and one of the Estimation team took three months voluntary leave which Mr Aro said helped to balance wage costs.

[12] Ms Go received the email from the Estimation Manager sent in August 2024. She said she had taken a period of extended leave from 26 February until 9 May 2024.

[13] Ms Go said she had been aware of the restructuring which had taken place during her absence. She had also been aware of the lighter workload in the Estimation Department because of an email sent by the Estimation Manager in December 2023 advising the team of reduced

demand and advising them that estimation work would not be required as part of a ‘skeleton crew’ soft start after the Christmas/New Year break.

[14] Ms Go was based in the East Tamaki office while the rest of the Estimation Department were based in the Avondale office. Ms Go could not work in the Avondale office because she could not drive and there were no public transport options for her to be able to travel to Avondale.

[15] Ms Go said this was not an issue because she was experienced and rarely needed to call the Estimation Manager for advice and only consulted him, the Branch Manager, and/or Mr Aro if there were conflicts on pricing that might affect the estimating work she was doing.

Estimation Department Restructuring October 2024

[16] Mr Aro said that on 3 October 2024 he sent an email to the Estimation Department which stated:

Due to significant and ongoing reduction in incoming plans to be estimated, we are looking at undertaking a review of the estimating department with a view to restructuring.

Please see attached document.

We would appreciate your feedback and any ideas you might have so we can consider how to move forward.

Any feedback you might have should be in writing back to me please within the next 7 days.

[17] Attached to the email was a document entitled ‘Dayle ITM – Review due to decreasing plans for estimation’. This detailed in bar chart format the number of incoming plans for estimation and consents issued. It also set out the steps taken to that point to assist the situation which included:

- [staff member’s] hybrid role between estimating and detailing
- [another staff member] -approved leave of absence whilst the workload is light
- Encourage staff to use up annual leave.

[18] When questioned in cross-examination during the Investigation Meeting, Ms Go accepted that from her access to the estimation plans register, she was aware that incoming plans had decreased between April and October 2024.

[19] Ms Go provided her feedback on 7 October 2024. She proposed reduced hours options as an alternative to redundancy. She explained that this was because reducing paid hours across the estimator team could achieve the same overall cost savings as

would making one full-time employee redundant. She did not intend for the estimators to use their annual leave, but to work fewer days and be paid for fewer days.

[20] Although all the Estimation Department had been sent Mr Aro's email of 3 October 2024, Ms Go was the only member of the team who provided feedback.

[21] Mr Aro said he met with Martin and Deborah Day on 10 October 2024 to discuss the situation. The decision was made to continue with the restructure consultation process with a view to reducing the team by one person. He said that all the Estimation team were considered against the following criteria:

- i. Accuracy
- ii. Attitude
- iii. Attendance
- iv. Skill set
- v. Cost to business.

[22] Mr Aro said the main component for the selection was cost to the business. The salaries of the team members were set out. Ms Go was paid the highest salary below the Manager.

[23] Mr Aro said none of the Estimation Department were advised of the selection criteria which would be applied which he accepted had been a mistake.

[24] On 11 October 2024 Mr Aro sent Ms Go a letter inviting her to a meeting to be held on 15 October 2024. The letter included the following statements:

3. As a result of the significantly reduced incoming plans volume, we propose the following changes:
 - a) Estimating & Detailing Hybrid role, ..., focuses time on Detailing in priority to Estimating
 - b) Disestablishment of 1 position from the remaining Estimating team.
4. ...
5. It is our preliminary view that your own position may be determined to be surplus to the requirements of our business, and therefore may be disestablished.
6. If the decision to disestablish your position is confirmed, we would consider options for redeployment or retraining within the business. If there are no suitable alternative positions following this process, the outcome may be redundancy ...

[25] The letter concluded with Mr Aro inviting Ms Go to contact him "at any time" if she had any questions.

[26] Ms Go said she was given one working day to arrange representation for the meeting. When questioned, she said she had not asked for any longer time to arrange for a representative.

[27] At the meeting held on 15 October 2024 Ms Go said she reiterated her cost-saving proposals, including reduced-hours options across the Estimation team as an alternative to redundancy. She also referred to her intention to take leave in February 2025.

[28] Ms Go further raised the point that she had skills relevant to detailing work from earlier employment and was willing to be trained or redeployed into other work.

[29] Mr Aro said his observation was that Ms Go appeared not to know or understand many details about detailing, in particular she did not know what a Build able truss layout was, despite this being the preliminary step in the training of all detailers.

[30] Ms Go disputed this assessment and said her detailing training had been halted when she had been only three months away from completing it, however she had not been trained to use the new software. She said it was terminology and not her skills that were affected.

[31] The meeting concluded with Mr Aro stating that he would consider Ms Go's feedback.

[32] A further meeting took place on 17 October 2024 which commenced with Mr Aro asking Ms Go if she had any further feedback. Ms Go said she reiterated her proposal of a reduced-hours option as an alternative to redundancy, suggesting a shared-hours arrangement across the team so that the overall reduction in paid hours would be equivalent to one full-time position. She suggested rotating shorter weeks across the Estimation team, including a three-day week and a four-day week on rotation.

[33] Mr Aro said he had advised Ms Go that if her suggestion were to be accepted, all the Estimation team members would suffer financially, and the employees would quickly use up their annual leave.

[34] Ms Go said Mr Aro had misunderstood her proposal which was not that annual leave was used, but that the whole estimator team would work fewer days and be paid fewer days.

[35] Following that discussion Mr Aro read out from a pre-prepared letter dated that same day, 17 October 2024 which confirmed that the restructure was to proceed and that Ms Go's role would be disestablished. Ms Go's employment ended with effect from 17 October 2024.

[36] Mr Aro when questioned said that redeployment had not been possible since the previous restructure process meant there were no redeployment possibilities available.

What amount of compensation is appropriate?

[37] Point Limited has conceded that its restructuring process was flawed in that neither Ms Go nor the other members of the Estimating Department were advised of the selection criteria. Apart from Ms Go, no other member of the Estimating team was interviewed during the process.

[38] It was also accepted by Mr Aro that he had misunderstood Ms Go's suggestion regarding the reduced hours proposal, but he said that even if he had done understood it correctly, he did not consider it would have been a viable option.

[39] I accept that the decision to disestablish one role in the Estimation Department arose because of a decrease in the work available for the Estimation Department. This reduction in work had been acknowledged by Ms Go.

[40] In considering the basis for selecting Ms Go's role for redundancy, I note that, apart from the Estimating Manager, her salary was the highest in the Estimation Department. However, Cost was not the only factor considered by Point Limited.

[41] Ms Go was the only Estimator based in East Tamaki following the earlier restructuring process. While her evidence was that this was not relevant, because she could speak to the East Tamaki Branch Manager or Mr Aro for direction, she was separated by some distance from the rest of the Estimation team who were based in Avondale. This included Ms Go's direct manager.

[42] Mr Aro and Martin Day did consider this was a significant factor for operational efficiency, and I find this was not an unreasonable view.

[43] Ms Go gave evidence that she would have relocated to Avondale. However she did not suggest that during the restructure process to Mr Aro, and therefore he could not be expected to consider that possibility since Ms Go had not suggested relocating following the earlier

restructure when her team had been wholly based in Avondale and she became the only member of the Estimation Department based in East Tamaki.

[44] The evidence was that steps taken to assist with the reduced workload prior to the restructure process, which included the Estimating Manager reducing his working hours, one of the team moving to a hybrid role and another taking extended leave, had not resolved the situation.

[45] Ms Go's evidence was that she could have been retrained and undertaken another role in the business, notably detailing. However, Mr Aro's evidence was that Ms Go's knowledge of detailing was restricted, and Ms Go herself acknowledged that she had not completed the training for detailing which had been undertaken five years earlier, and did not know the current software used.

[46] Point Limited accepted that it should have taken more time to consider Ms Go's proposal for a reduced working week. Ms Go had provided no calculations in support of the proposal, or a roster of the proposed working weeks. Significantly she had not canvassed her proposal with the rest of the Estimating Department prior to making the proposal to Mr Aro.

[47] Therefore, I find that Point Limited would need to carry out a consultation process with the other affected employees before implementing a reduced working week.

[48] There is no guarantee that if it had done so, the other affected employees would have agreed to the proposal given the negative impact on their working hours and associated reduction in income. Or that it would have resulted in the necessary cost savings. More significantly there is no guarantee that it would have resulted in Ms Go's position not being made redundant.

[49] I acknowledge that redeployment was not discussed with Ms Go. This was a flaw as a fair and reasonable employer will consider redeployment, but the evidence was that detailing work was not suitable in the circumstances and that there were no suitable alternative positions available following the earlier restructuring.

[50] I find that the evidence, including from Ms Go herself, supports the reason for the Estimation Department restructuring was based upon genuine business rationale and not irrelevant or inappropriate factors.

[51] However, the process especially as regards Ms Go, was flawed, particularly in respect of the non-disclosure of the selection criteria and the consultation process.

[52] It was also too hasty in that the letter dated 17 October 2024 had been prepared and signed prior to the meeting with Ms Go.

[53] Accordingly, Ms Go is entitled to compensation for unjustifiable dismissal and unjustifiable disadvantage.

[54] The evidence as provided by Ms Go, and supported by Ms Yang, was that Ms Go was significantly affected by the loss of her employment. She suffered ongoing stress, had difficulty sleeping, withdrew from social events, and was prescribed medication.

[55] Her financial position was affected, and she had to rely on her savings. This exacerbated her stress.

[56] During the Investigation Meeting Ms Go said that the process of pursuing her claim in the Authority compounded the stress she was experiencing, and I note that she saw a doctor 18 months after her employment ended which I find confirms that the dismissal alone was not the sole reason for her stress.

[57] In all the circumstances I find Ms Go is entitled to \$18,000.00 as compensation in respect of unjustifiable dismissal and disadvantage arising from the flawed redundancy process.

[58] Point Limited is ordered to pay Ms Go the sum of \$18,000.00 pursuant to s 123(i)(c)(i) of the Act.

What amount of lost wages is appropriate?

[59] Ms Go is seeking lost wages for a period of 19 months.

[60] As determined, this was a genuine redundancy situation in which lost wages are not usually awarded. However, I have accepted that the process was flawed, in particular the process was hasty. Had the process been carried out properly, this may have resulted in the decision being delayed, although I do not consider it would have altered the decision to disestablish Ms Go's role.

[61] In these circumstances Ms Go's employment may have remained on foot for slightly longer, and I think a modest lost wages award is appropriate to reflect that situation.

[62] I order that Point Limited pay Ms Go the sum of \$5,769.23 gross salary (calculated as \$75,000.00 per annum \div 52 x 4 weeks) in respect of lost wages pursuant to s 124 of the Act.

Penalties

[63] Ms Go is seeking penalties in her submissions.

[64] Point Limited accepted at an early stage that it did not conduct a fair process. It was accepted that the determination would focus on compensation and lost wages.

[65] The purpose of penalties is punitive. They are not imposed to remedy the applicant's loss, but to punish the person who has breached a duty under the Act and to condemn that behaviour.

[66] In this case Point Limited has accepted there were flaws in its process during the restructure which resulted in Ms Go's termination of employment. Ms Go has been compensated for that loss.

[67] I do not consider that a penalty is appropriate in which Point Limited have acknowledged the shortcomings in its process.

Costs

[68] Costs are reserved. The parties are encouraged to resolve any issue of costs between themselves.

[69] If they are not able to do so and an Authority determination on costs is needed Ms Go may lodge, and then should serve, a memorandum on costs within 14 days of the date of issue of the written determination in this matter. From the date of service of that memorandum Point Limited would then have 14 days to lodge any reply memorandum. Costs will not be considered outside this timetable unless prior leave to do so is sought and granted.

[70] All submissions must include a breakdown of how and when the costs were incurred and be accompanied by supporting evidence.

[71] The parties could expect the Authority to determine costs, if asked to do so, on its usual notional daily rate unless particular circumstances or factors required an upward or downward adjustment of that tariff.¹

Eleanor Robinson
Member of the Employment Relations Authority

¹ *PBO Ltd v Da Cruz* [2005] 1 ERNZ 808, 819-820 and *Fagotti v Acme & Co Limited* [2015] NZEmpC 135 at [106]-[108].