



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

16 APRIL 2026

MEDIA RELEASE

**HAIRLAND HOLDINGS LTD v CHIEF EXECUTIVE OF THE MINISTRY OF
BUSINESS, INNOVATION AND EMPLOYMENT**

(SC 62/2025)

Hearing in the Supreme Court 5 May 2026

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court.

Background

This appeal concerns the jurisdiction of the Employment Relations Authority under the Employment Relations Act 2000 (ERA).

Hairland Holdings Ltd operates a hairdressing business. It considers its hairstylists to be independent contractors. After an investigation, a Ministry of Business, Innovation and Employment (MBIE) Labour Inspector concluded the hairstylists were employees and that they had not received minimum entitlements.

Hairland pre-empted the Inspector taking further steps by filing a claim in the Authority, seeking a determination that the hairstylists are not employees. The respondent in this appeal, MBIE's Chief Executive, was the only respondent to Hairland's claim. MBIE argued the Authority lacked jurisdiction to determine Hairland's claim, because first, there was no "employment relationship" (as defined in the ERA) between the Chief Executive and Hairland and secondly, the Authority possessed only an incidental rather than stand-alone power to determine employment status.

On 20 December 2018, the Authority held it lacked jurisdiction to investigate and determine Hairland's claim. (It did consider it had jurisdiction to determine status under a separate claim, which was brought by the Inspector and objected to by Hairland.)

On 12 September 2022, the Employment Court allowed Hairland's challenge. It held the Authority did have jurisdiction to determine Hairland's claim.

On 5 June 2025, the Court of Appeal allowed the Chief Executive's appeal by majority, holding the Authority lacked jurisdiction to hear an application brought by a purported employer against the Chief Executive for the kind of relief Hairland sought.

This appeal

On 1 October 2025, the Supreme Court granted Hairland leave to appeal, the approved question being:

... whether the Court of Appeal was correct to allow the appeal on the basis that the Employment Relations Authority does not have jurisdiction to hear an application, brought by a purported employer against the Chief Executive of the Ministry of Business, Innovation and Employment, the Labour Inspector and/or its workers, for a bare declaration that its workers are not employees under s 6(1) of the Employment Relations Act 2000.

Viewing of hearing

The courtroom is open to the public.

This hearing of the appeal will be live-streamed. Details about access to the live-stream and the conditions of access will be posted on the [Courts of New Zealand website](#) shortly before the hearing. No recording is permitted.

The panel

The Hon Justice Kós	The Hon Justice Ellen France	The Rt Hon the Chief Justice	The Hon Justice Williams	The Hon Justice Miller
------------------------	---------------------------------	---------------------------------	-----------------------------	---------------------------

Judges as seen from the public gallery

Counsel

- Hairland Holdings Ltd (Appellant): *T P Cleary and P Fisher*
- Chief Executive of MBIE (Respondent): *K F Radich and G La Hood*

Sitting hours

Court will begin at 10.00 am and conclude at 1.00 pm with an adjournment taken from 11.30 am to 11.45 am.

Enquiries

Any enquiries about the hearing should be directed via email to supremecourt@justice.govt.nz. While attending the hearing, enquiries can also be directed to the Court Registry, which is located outside the main courtroom in the Supreme Court foyer.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Court of Appeal decision: [\[2025\] NZCA 219](#) (5 June 2025)

Supreme Court leave decision: [\[2025\] NZSC 129](#) (1 October 2025)