



**THE EMPLOYMENT COURT OF NEW ZEALAND  
TE KŌTI TAKE MAHI O AOTEAROA**

10 May 2022

**MEDIA RELEASE**

**COURAGE & ORS v ATTORNEY-GENERAL & ORS**

(EMPC 363/2021) [2022] NZEmpC 77

**PRESS SUMMARY**

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at <https://www.employmentcourt.govt.nz/>.

**The hearing**

The issue for the Employment Court was whether three former residents of the Gloriavale Christian Community had been employees during their time there.

**Background**

Gloriavale is described as a self-sustaining Christian Community with its residents living what might be referred to as a communal lifestyle. It is made up of a Trust, a Partnership, a nominee company, a holding company, and a number of limited liability trading companies to operate a variety of commercial enterprises, including a honey making plant and a dairy farm.

Hosea Courage, Daniel Pilgrim and Levi Courage were born into the Community and carried out work starting from the age of six. All three of them left Gloriavale and sought a declaration that they were employees when performing work for the Community.

The Gloriavale defendants denied that the plaintiffs were employees. They claimed that any work undertaken between the ages of six and 14 was chores or work required by their parents; that work undertaken when they were 15 was part of their schooling; and that work undertaken from 16 years of age was done on a voluntary basis. There was no intention to enter into an employment relationship at any stage.

The plaintiffs also claimed that the Labour Inspector breached their statutory duties. This aspect of the claim centred on a report of the Labour Inspector, concluding that people working in Gloriavale were volunteers.

## **Decision released today**

The Chief Judge of the Employment Court (Chief Judge Christina Inglis) found that all three plaintiffs were employees from the age of six until they left Gloriavale.

The Employment Court reiterated that the question of whether someone is an employee depends on the substance of the relationship and how it operated in practice, rather than the label attached to the relationship or what one or other or both of the parties subjectively considered their relationship to be. The fact that the work was undertaken within a religious community, and according to a particular set of beliefs and values, did not mean that it could escape close scrutiny by external agencies or avoid minimum employment standards if they applied. The plaintiffs worked regularly and for long hours, primarily for the benefit of Gloriavale's commercial operations. The work was done for the reward of the necessities of life and the ability to remain in the Community. It was subject to strict control.

The work undertaken by the plaintiffs as children between the ages of six and 14 could not be described as "chores", including because of the commercial nature of the activities, because they were performed over an extended period of time and because they were strenuous, difficult, and sometimes dangerous. It was the Gloriavale leadership group which decided what child labour resources were required and where they were to be applied. Parents had little influence, and no final say, over where, when, and for how long their children worked.

The work undertaken when the plaintiffs were 15 (and still legally obliged to be at school) could not be described as an educational work experience or as volunteering. The label applied to this work was misleading and did not reflect the real nature of the work and the basis on which it was being done.

At the age of 16 the plaintiffs signed agreements labelling them as "Associate Partners". This label did not change the substance of the relationship and was viewed with scepticism – the plaintiffs did not understand what they were signing and nor did they have capacity, because of their age, to be part of a partnership. Further, the recording of time worked and the rate of pay reflected a degree of intention to comply with minimum employment entitlements.

Today's decision does not resolve all issues between the parties. Future judgments will focus on the issues of identifying which person or entity in Gloriavale's commercial structure is the employer/s and whether the Labour Inspector breached any statutory duty to the plaintiffs by the way it concluded its investigation.

## **Disposition**

Chief Judge Christina Inglis made declarations that Hosea Courage, Daniel Pilgrim and Levi Courage were employees from the age of six through to when they left the Gloriavale Community.

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