

Resene TradeLines

October 2001



“With the warmer weather rolling in and daylight savings just around the corner, every man and their dog (not to mention all the women and their cats) will be out and about wanting to paint their house. Course, that means lots of extra work for all you guys and gals, but also lots more ‘consumers’ to talk to... and as you know the customer is always right. Well enough from me - it's time to hand the rest of the page over to our legal eagle...”

Brushstrokes

The Main Act

Do the words 'Fair Go' send a shiver down your spine? We've all heard of customers claiming certain rights under the Consumer Guarantees Act - sometimes they are right, other times they definitely aren't!



To help you through all the legal guff, we thought we'd give you the quick run-down on your requirements under the Consumer Guarantees Act, so you know the ground rules before you start your jobs. We'll run this info over two Tradelines issues... so make sure you check out next month's issue for the second half of the story. Here goes on the ground rules...

The Consumer Guarantees Act says that any work you do for a consumer must meet four guarantees.

- 1 The work must be carried out with reasonable care and skill.
- 2 The work must be fit for any particular purpose that the customer has told you about.
- 3 If the time for completing the work has not been agreed, the work must be carried out within a reasonable time.
- 4 If the price for the work has not been agreed, the price charged must be a reasonable price for the work done.

“Reasonable care and skill” is the care and skill competent painters doing the same work would use. You should have the skills and use the same care to complete the job and achieve the purpose desired by the customer without causing damage.

If a painter paints over flaking paint and six months later the new paint starts to flake, this would be judged a lack of ‘care and skill’.

Your work is “fit for purpose” when it achieves the specific result/s the customer has specified. If you cannot achieve the specific result/s desired, you must tell the customer before you start the job.

If the purpose they want to achieve is normal then the customer does not have to specifically state it. Where the result wanted is less ordinary the customer must let you know exactly what they want.

E.g: If Esener wants her house to be painted, it is assumed that the paint finish will look good. However, if she wants to achieve a specific paint effect, she must tell you exactly how she wants it done.

We recommend you write down exactly what you have agreed to do in a written quote or contract to avoid any raised voices later. If you don't have the skills required to do the job successfully, you must make sure the customer knows this.

E.g: Esener asks you to apply a textured coating on her home. You have no experience and advise her to hire a specialist textured coatings applicator. Esener asks you to do the work anyway. As you have told Esener that you may not have the specialist skills needed, she will not be able to claim that the work was not fit for the purpose.

If the customer asks you to use the cheapest option, such as applying one topcoat in place of two, the result won't be as good as if they were prepared to pay for the full monty. You must still guarantee the quality of the work you do complete but there will be a lower expectation on the work. Do not use wording such as “This work is not guaranteed” as this could be interpreted as an attempt to contract out of the Consumer Guarantees Act.

E.g: Esener asks you to put only one topcoat on her house as she plans to sell it. Get her agreement in writing that you have applied one topcoat as requested but in your opinion the paint system needs a second topcoat to be fit for purpose.

If you haven't specifically agreed with the customer when the job will be completed the Act says that the work will be finished ‘within a reasonable time’ - i.e. the average time that would be taken by other competent people doing the same job. Of course, if you have discussed when the work will be done or written it into the quote or contract then that is your agreement.

E.g: Esener contracts a painter to paint her house but 2 months later only 4 hours work has been completed. Esener can ask the painter to hurry up as they are clearly not trying to finish the work in a reasonable time.

If you have agreed on price via a quote, estimate or hourly rate, then that is your agreement on the price. If not, you must charge a reasonable price - i.e. a price about the same as the price most other competent people would charge for the same work. The customer can refuse to pay more than a reasonable price.

E.g: Esener contracts to get her front door painted. The cost of the job is not discussed. The painter applies two coats and charges \$150 for labour, but Esener rings three other painters who say they would charge \$70 - \$90. Esener tells the painter she is only going to pay \$80 for the painting.

Phew! It's a lot to take in... but that's the quick rundown of what is expected of you under the Act... watch out for more information on this topic next month or check out more info at www.consumer-ministry.govt.nz

Resene - the paint the professionals use

Tips 'n Tricks

Beat the Rush

Stock up now as the Resene October Sale gets pretty busy mid-month. Factory staff have been busy producing thousands of litres so we now have a warehouse of paint raring to go...

Heavy Metal

Metallics are very 'in' at the moment popping up as paint finishes, bench tops and even clothing. Of course, as with everything new, you have to go through a bit of a learning curve and give the brain a wee workout to get used to how they work. To make it even easier, we have included more application info on the updated Metallics Chart... so if you're planning to apply some of the sparkly stuff to your customer's walls, make sure you check out the latest info before you start... the five minutes reading will definitely save you five hours cursing!

While we are on the subject of updates, the magic ingredient in Resene Zylone SpaceCote, **Spheromers**, will also be finding its way into Enamacryl Metallic soon. The new Spheromers make it easier to achieve a stunning finish using Enamacryl Metallic and roller application.



Sticky Beak

Another product that has had a bit of a tweak is Resene Broadwall Acrylic Wallboard Sealer - we've improved the adhesion over jointing compounds to give everyone a little added protection in stressed and high wear and tear areas.

As the Crow Flies

Talking about 'in' fashion finishes, we often get asked for Crow's Foot brushes (no this is not Martin's hair piece!) to apply Sandtex. For those of you in the know, to achieve a Crow's Foot effect all you need is a run-of-the-mill standard brush.

So how do you get that cool Crow's Foot effect? You simply load the brush with Sandtex Mediterranean style textured coating, then apply it to the wall in a criss cross pattern - literally paint overlapping crosses on the wall. Or if you can find a helper, one of you can apply Sandtex with a Hi-Solids roller with the second person creating the crow's foot criss cross effect by brushing over the roller applied coating.

Applying textured coatings has never been easier - you don't need to lay-off, wet edges are hardly a problem, and often the rougher and quicker you apply, the better the finish! It's kind of like a painter's dream product.

Only thing is, as the finish depends on the application, we suggest you get your customer to agree to a sample panel before you do the entire project... otherwise the textured pattern they have in their head may not quite match the version you create on their wall.

If you're using Sandtex inside, we recommend you apply it over lining paper, otherwise the customer will be destined to have lightly textured walls forever!

Illogic?

You always hear that common sense is not all that common, well, sometimes logic isn't always that logical either. We managed to drag a few jokes out of the file to help you with the basic sums of life... don't blame us if the logic doesn't work for you...

Work Arithmetic

Smart boss + smart employee = profit

Smart boss + dumb employee = productivity

Dumb boss + smart employee = promotion

Dumb boss + dumb employee = overtime

Memory

Any married man should forget his mistakes - there's no use two people remembering the same thing.

Appearance

Men wake up as good looking as they went to bed. Women somehow deteriorate during the night.

Discussion Technique

A woman has the last word in any argument. Anything a man says after that is the beginning of a new argument.

General Equations and Statistics

A woman worries about the future until she gets a husband.

A man never worries about the future until he gets a wife.

A successful man is one who makes more money than his wife can spend.

A successful woman is one who can find such a man.

Telling Tales

Five Four Opens its Doors The 54th ColorShop has opened in Tawa Drive Albany, Auckland, just a quick minute or two detour off the motorway north - perfect for picking up your extra supplies when you're en-route to your job.

Around the Corner The Shirley ColorShop has made the big move... well, perhaps not such a big move in terms of distance, but the new store is definitely a lot bigger! The new Shirley ColorShop is just around the corner from the old one on the other side of the shopping mall. Check it out at 38 Marshland Road, Shirley.

More news in November

Eneser Buckett

Eneser Buckett, Editor.



Painting with Eneser Buckett No.25

Resene - the paint the professionals use