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HRD | Employment Law masterclass 2018

HUMAN RESOURCES DIRECTOR



7 March
Pullman
Auckland



8 May
InterContinental
Wellington



9 May
Novotel
Christchurch

Presented by

HRD
HUMAN RESOURCES DIRECTOR
NEW ZEALAND



- 8:15am **Registration opens**
- 9:00am **Opening remarks from the chairperson**
Auckland Linda Ryder, Director, Goldstein Ryder
Wellington Susan Hornsby-Geluk, Partner, Dundas Street Lawyers
Christchurch Susan Rowe, Partner, Buddle Findlay
- 9:15am **Pay equity and the law – what does the future hold?**
Recent legislative reform aims to prevent remuneration-based discrimination on the basis of sex. While much has been said about the laws on a political level, we look at how the new laws impact employers on a practical level.
 - Overview and coverage of the *Care and Support Workers (Pay Equity) Settlement Act 2017*
 - What impact will the *Employment (Pay Equity and Equal Pay) Bill* have on employers?
 - In what circumstances can employees make a ‘pay equity claim’?
 - What is involved in a ‘pay equity bargaining process’?
Kylie Dunn, Partner, Russell McVeagh
- 10:00am **Panel: Mental health and the workplace – balancing humanity with pragmatics**
Workplace mental health is increasing in prevalence and profile. This panel will cover the legal, privacy and ethical considerations that come into play when dealing with an employee who is experiencing mental health issues.
 - What is the legal definition of a workplace psychiatric injury?
 - How to handle disciplinary procedures when mental health issues contribute to an employee’s misconduct
 - What adjustments do employers legally need to make for employees with mental health issues?
 - How is Worksafe approaching workplace mental health and psychiatric injuries?
 - Mental health and fitness for work – what you need to know
 - How the Employment Relations Authority and the Employment Court are interpreting “stress”, “fatigue” and “bullying”
 - Privacy considerations when handling workplace health issues

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|----------------------------------|-----------------------------------|----------------------------------|
| Auckland | Wellington | Christchurch |
| <i>Panellists:</i> | <i>Panellists:</i> | <i>Panellists:</i> |
| Kathryn Beck, Partner, SBM Legal | Andy Bell, Principal, Bell and Co | Mary Crimp, Partner, Harmans |
| Helen White, Barrister | Barbara Buckett, BuckettLaw | Lawyers |
| Max Whitehead, Managing | Alan Knowsley, Partner, Rainey | Andrew Riches, Partner, Saunders |
| Director, Whitehead Group | Collins | & Co Lawyers |
| | Keith McGregor, Director, | Penny Shaw, Managing Partner, |
| | Personnel Psychology NZ Ltd | Penny Shaw Employment Law |
- 11:00am **Morning refreshments & networking break**
- 11:30am **Zeroing in on availability provisions and shift cancellations**
Availability provisions were introduced as part of the Employment Standards package. How have courts been interpreting the new provisions and what should employers be doing to minimise the risk of inadvertent breaches?
 - When can an employer legally require an employee to be available for additional hours of work?
 - Implications of *Fraser v McDonald’s Restaurants (New Zealand) Limited* [2017]
 - Overview of 67D of the Employment Relations Act 2000 (ERA)
 - What counts as a genuine reason for including an availability provision?
 - What is a reasonable period of notice for cancelling a shift?
 - Examples of legally defensible availability provisions**Auckland** Anthony Drake, Partner, Kensington Swan
Wellington Geoff Davenport, Partner, McBride Davenport James
Christchurch Shauna McClelland, Director, Employer Lawyer

- 12:15pm **Holidays Act 2003 – clarifying the persistent ambiguities**
 The Holidays Act continues to provide challenges for HR and payroll departments around New Zealand. This session will clarify the enduring complexities of the 'fiendishly complex' payroll legislation.
- Common legal errors when calculating annual leave, public holidays, sick days, and bereavement leave
 - How to avoid making errors in payroll calculations
 - How the Holidays Act and ERA determinations interact
 - Dealing with curve-ball scenarios - practical case study examples
- Auckland** Gillian Service, Partner, MinterEllisonRuddWatts
Wellington Megan Richards, Partner, MinterEllisonRuddWatts
Christchurch Aaron Lloyd, Partner, MinterEllisonRuddWatts
- 1:00pm **Networking lunch**
- 2:00pm **Health and safety at work – what you need to know**
 Several years since the enactment of the Health and Safety at Work Act 2015, we look at the implications of recent Worksafe decisions for employers across New Zealand.
- Damages for breaches of health and safety obligations
 - Implications of *WorkSafe New Zealand v Budget Plastics (New Zealand) Ltd* [2017]
 - How broad is the duty to consult, co-operate and co-ordinate?
 - Overview of *WorkSafe New Zealand v Wai Shing Limited* [2017] regarding reparation sums
 - What obligations do HR professionals have under the Act?
 - How is WorkSafe approaching enforcement and sentencing in relation to breaches of the Act?
- Auckland** Jennifer Mills, Partner, Anthony Harper
Wellington Michael Quigg, Partner, Quigg Partners
Christchurch Andrew Shaw, Managing Partner, Lane Neave
- 2:45pm **Workplace bullying – how to investigate bullying allegations**
 Once an employer receives an allegation of bullying, it has a duty to investigate the claim and take the necessary steps to protect its employee. This session will provide a comprehensive guide to investigating and dealing with workplace bullying claims.
- What is the legal definition of workplace bullying?
 - Where do the courts draw the line between reasonable management and bullying?
 - Can employees be held individually liable for bullying?
 - How to conduct a rigorous investigation that ensures non-victimisation, support, neutrality and confidentiality
 - Dealing with vexatious claimants who lodge bullying claims
- Auckland** Jeff Goldstein, Director, Goldstein Ryder
Wellington & Christchurch Jackie Behrnes, Special Counsel, Anthony Harper
- 3:30pm **Step-by-step guide to legally defensible disciplinary processes**
 Employers need to ensure that employee disciplinary procedures adhere to strict procedural requirements and are substantively justified. Any failures during a disciplinary process could leave employers exposed to successful personal grievance claims from employees.
- Guidelines and checklists for legally-defensible disciplinary processes
 - Language to use during a formal meeting
 - How to deal with personal grievances that are lodged during disciplinary proceedings
 - Dealing with employees who claim stress during a disciplinary process
- Auckland** Catherine Stewart, Barrister
Wellington Johanna Drayton, Partner, Dyhrberg Drayton
Christchurch Jo Appleyard, Partner, Chapman Tripp
- 4:15pm **Conference concludes**

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