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# **Employment Law** **for HR Managers** masterclass 2017

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11 May 2017 • Novotel Christchurch

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Presented by

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# Employment Law for HR Managers

masterclass 2017

8:30am	Registration opens	
8:45am	Introductory remarks from the chairperson – Reflections on a landmark wage case: <i>E Tu Union v Aged Care Association</i>	Speaker: <b>Kevin Patterson</b> Special Counsel Anthony Harper
9:00am	<i>Holidays Act update – What you need to know</i> Described by commentators as ‘complex’ and ‘fiendishly difficult’ the <i>Holidays Act</i> continues to present challenges to employers across New Zealand. <ul style="list-style-type: none"><li>• How to handle unused annual leave for employees returning from parental leave</li><li>• Calculating leave entitlements when an employee takes unpaid leave for extended sick leave</li><li>• Clarifying the ambiguous elements of the <i>Parental Leave Act</i></li><li>• Comparing accrual payment methods and their legality</li></ul>	Speaker: <b>Linda Ryder</b> Director Goldstein Ryder
9:45am	<i>Amendments to the Employment Relations Act 2000</i> Employers across the country are still coming to grips with some of the finer points of recent changes made to the <i>Employment Relations Act (ERA)</i> . This session clarifies some of the ambiguous sections of the ERA. <ul style="list-style-type: none"><li>• Clarifying the circumstances under which practices are prohibited: Zero hour contracts, cancellation of shifts, pay deductions</li><li>• When can you prohibit an employee from working a second job?</li><li>• When are officers and directors liable for breaches of employment standards?</li><li>• What are the penalties if you are in breach?</li></ul>	Speaker: <b>Graeme Riach</b> Managing Partner Harmans Lawyers
10:30am	Morning refreshment break	
11:00am	<i>Update on the Health and Safety at Work Act 2015</i> Health and safety reforms have placed new obligations on employers and their senior staff. Are you up to date with your obligations? <ul style="list-style-type: none"><li>• How does a PCBU meet the obligation to take “all reasonably practicable steps” to ensure health and safety?</li><li>• What are the duties of a PCBU when dealing with a notifiable event?</li><li>• How does a PCBU “consult, cooperate and co-ordinate” with other PCBUs?</li><li>• How will WorkSafe and the courts interpret the term ‘officer’?</li></ul>	Speaker: <b>Susan Rowe</b> Partner Buddle Findlay
11:45am	<i>How can you legally discipline a ‘toxic’ employee?</i> Employees with attitudinal issues can create significant interpersonal conflicts in the workplace, but employers should tread very carefully when dealing with such ‘difficult’ employees. <ul style="list-style-type: none"><li>• Dealing with employee attitudinal issues where performance is not affected</li><li>• Disciplining employees for interpersonal conflicts and ‘personality clashes’</li><li>• How to have a candid and honest conversation with an employee about their attitude or behaviour</li></ul>	Speaker: <b>Murray Grant</b> Partner DLA Piper
12:30pm	Networking lunch	

1:15pm	<p><b>When does chronic underperformance warrant dismissal?</b></p> <p>Moderate, ongoing underperformance issues can be difficult to manage from a legal perspective.</p> <ul style="list-style-type: none"> <li>• When (and how) can you terminate an employee for on-going minor performance issues?</li> <li>• What is the difference between underperformance and misconduct?</li> <li>• Performance issues that are borderline misconduct or serious misconduct</li> </ul>	<p><b>Speaker:</b>  <b>Scott Wilson</b>  <i>Partner</i>          Duncan Cotterill</p>
2:00pm	<p><b>How quickly can you terminate an employee?</b></p> <p>While it's critical to ensure procedural fairness for all parties, lengthy disciplinary processes can be damaging to workplace culture and productivity. What is the right balance between procedural rigor, fairness and expediency?</p> <ul style="list-style-type: none"> <li>• How quickly can an employer move from warning to termination?</li> <li>• What is a reasonable time period for an employee to improve their performance?</li> <li>• Best-practice timeframes around performance improvement plans</li> <li>• What is the distinction between informal and formal performance processes in the eyes of the law?</li> <li>• What is the ideal length of a disciplinary process from the first warning to termination?</li> </ul>	<p><b>Speaker:</b>  <b>Amanda Douglas</b>  <i>Partner</i>          WynnWilliams Lawyers</p>
2:45pm	<p><b>Afternoon refreshment break</b></p>	
3:15pm	<p><b>Investigating workplace bullying and harassment allegations</b></p> <p>Employers need to ensure procedural fairness when conducting workplace investigations relating to bullying and harassment.</p> <ul style="list-style-type: none"> <li>• Legislative considerations: <i>Employment Relations Act 2000, Health and Safety at Work Act 2015, Human Rights Act 1993 and Harassment Act 1997</i></li> <li>• Step-by-step guide to a procedurally fair investigation</li> <li>• Which investigative materials can be disclosed to parties?</li> <li>• What are the privacy considerations of parties to an investigation?</li> <li>• Where do courts draw the line between interpersonal conflict, reasonable management instructions and covert bullying?</li> <li>• How to determine the credibility of statements made by the complainant, accused and witnesses</li> </ul>	<p><b>Speaker:</b>  <b>Sarah Townsend</b>  <i>Partner</i>          Duncan Cotterill</p>
4:00pm	<p><b>Mental health, lack of capacity and absence management</b></p> <p>Employers should tread very carefully when dealing with employees who have long-term medical illnesses, especially when mental health is involved.</p> <ul style="list-style-type: none"> <li>• Use of sick leave - what is needed as proof of illness/injury?</li> <li>• The crossover between lack of capacity, recovery from injury and return to work</li> <li>• Dealing with incapacity due to underlying mental health conditions</li> <li>• How to deal with contentious psychological diagnoses</li> <li>• Dealing with excessive unplanned absences in a compliant and fair way</li> </ul>	<p><b>Speaker:</b>  <b>Penny Shaw</b>  <i>Partner</i>          Penny Shaw Employment Law</p>
4:45pm	<p><b>Conference concludes</b></p>	

# TEAM PASS OFFER

## Register 4 delegates for the price of 3

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Region \_\_\_\_\_ Postcode \_\_\_\_\_  
Email \_\_\_\_\_ Business phone number \_\_\_\_\_

#### ADDITIONAL DELEGATES

First name _____	First name _____	First name _____
Surname _____	Surname _____	Surname _____
Job title _____	Job title _____	Job title _____
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Email _____	Email _____	Email _____
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