
Employment Law **for HR Managers** masterclass 2017

10 May 2017 • InterContinental Wellington

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Presented by

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Employment Law for HR Managers

masterclass 2017

8:30am	Registration opens	
8:45am	<p>Introductory remarks from the chairperson: Reflections on landmark wage case: <i>E Tu Union v Aged Care Association</i></p>	<p>Speaker: Steph Dyhrberg Partner Dyhrberg Drayton Employment Law</p>
9:00am	<p><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.</p> <ul style="list-style-type: none">• What constitutes 'genuine reasons based on reasonable grounds' for requiring an availability provision in a zero-hours contract?• What are the time-recording requirements for salaried employees?• What constitutes 'reasonable compensation' for employee availability?• When can you prohibit an employee from working a second job?	<p>Speaker: Greg Cain Partner Kensington Swan</p>
9:45am	<p><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.</p> <ul style="list-style-type: none">• How to handle unused annual leave for employees returning from parental leave• Calculating leave entitlements when an employee takes unpaid leave for extended sick leave• Clarifying the ambiguous elements of the <i>Parental Leave Act</i>• Comparing accrual payment methods and their legality	<p>Speaker: Geoff Davenport Partner McBride Davenport James</p>
10:30am	Morning refreshment break	
11:00am	<p><i>Update on the Health and Safety at Work Act 2015</i> Health and safety reforms have brought new obligations to officers (including HR professionals). Are you up to date with your obligations?</p> <ul style="list-style-type: none">• What is a notifiable illness or injury under the Act?• How does WorkSafe interpret the term 'officer'?• How should Persons Conducting a Business or Undertaking (PCBUs) cooperate in a workplace?• How are courts interpreting the concept of 'all practical steps'?	<p>Speaker: Rachael Brown Partner Bell Gully</p>
11:45am	<p><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.</p> <ul style="list-style-type: none">• Dealing with employee attitudinal issues where performance is not affected• Disciplining employees for interpersonal conflicts and 'personality clashes'• How to have a candid and honest conversation with an employee about their attitude or behaviour	<p>Speaker: Sean O'Sullivan Partner DLA Piper</p> <p>Murray Grant Senior Associate DLA Piper</p>
12:30pm	Networking lunch	

1:15pm	<p>When does chronic underperformance warrant dismissal?</p> <p>Moderate, ongoing underperformance issues can be difficult to manage from a legal perspective.</p> <ul style="list-style-type: none"> • When (and how) can you terminate an employee for on-going minor performance issues? • What is the difference between underperformance and misconduct? • Performance issues that are borderline misconduct or serious misconduct 	<p>Speaker: Brian Nathan <i>Partner</i> Duncan Cotterill</p>
2:00pm	<p>How quickly can you terminate an employee?</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 rigour, fairness and expediency?</p> <ul style="list-style-type: none"> • How quickly can an employer move from warning to termination? • What is a reasonable time period for an employee to improve their performance? • Best-practice timeframes around performance improvement plans • What is the distinction between informal and formal performance processes in the eyes of the law? • What is the ideal length of a disciplinary process from the first warning to termination? 	<p>Speaker: Nic Soper <i>Partner</i> Anderson Lloyd</p>
2:45pm	<p>Afternoon refreshment break</p>	
3:15pm	<p>Investigating workplace bullying and harassment allegations</p> <p>Employers need to ensure procedural fairness when conducting workplace investigations relating to bullying and harassment.</p> <ul style="list-style-type: none"> • Legislative considerations: <i>Employment Relations Act 2000, Health and Safety at Work Act 2015, Human Rights Act 1993 and Harassment Act 1997</i> • Step-by-step guide to a procedurally-fair investigation • Which investigative materials can be disclosed to parties? • What are the privacy considerations of parties to an investigation? • Where do courts draw the line between interpersonal conflict, reasonable management instructions and covert bullying? • How to determine the credibility of statements made by the complainant, accused and witnesses 	<p>Speaker: Megan Richards <i>Partner</i> Minter Ellison Rudd Watts</p>
4:00pm	<p>Mental health, lack of capacity and absence management</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"> • The crossover between lack of capacity, recovery from injury and return to work • Dealing with incapacity due to underlying mental health conditions • How to deal with contentious psychological diagnoses • Dealing with excessive unplanned absences in a compliant and fair way • Addressing long-term mental health issues when all options have been exhausted 	<p>Speaker: Samantha Turner <i>Partner</i> Simpson Grierson</p>
4:45pm	<p>Conference concludes</p>	

TEAM PASS OFFER

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