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HRD
HUMAN RESOURCES DIRECTOR

Employment Law masterclass 2019



6 March
Hilton
Auckland



15 May
InterContinental
Wellington



16 May
Crowne Plaza
Christchurch

Presented by

HRD
HUMAN RESOURCES DIRECTOR
NEW ZEALAND



- 9:00am **Opening remarks from the chairperson**
Auckland Charlotte Parkhill, Partner, Kensington Swan
Wellington Steph Dyhrberg, Partner, Dyhrberg Drayton Employment Law
Christchurch Mary Crimp, Partner, Harmans Lawyers
- 9:15am **Employment law reform – what does the future hold?**
 The pace of change in workplace relations has ramped up over the last 12 months, with a raft of changes due to take effect in the coming months.
 • Overview of the Employment Relations Amendment Bill (the Amendment Bill)
 • Reinstatement as the primary remedy in unjustified dismissal cases
 • Labour-hire arrangements - Employment Relations (Triangular Employment) Amendment Bill
 • Proposed changes to privacy laws and their implications for employee data
 • Future of the 90 day trial period
Auckland Laura Scampion, Partner, DLA Piper
Wellington Blair Scotland, Partner, Dundas Street Employment Lawyers
Christchurch Andrew Shaw, Partner, Lane Neave
- 10:00am **Bringing clarity to the Holidays Act**
 As the Holidays Act Taskforce works its way through a full review of the Holidays Act, this session will provide some explanation on enduring areas of complexity and likely amendments.
 • Timetable for the Holidays Act Working Group’s review of the Holidays Act 2003
 • How to handle complex working arrangements that fall outside the standard working week
 • Calculating entitlements and payments for irregular hours and shift work
 • How to handle commission, incentives overtime and allowances
 • When to use Relevant Daily Pay (RDP) or Average Daily Pay (ADP) methods to determine BAPS leave
 • Calculating annual holidays using ordinary weekly pay (OWP) or average weekly earnings (AWE)
Auckland Jessie Lapthorne, Partner, Duncan Cotterill
Wellington Andrea Pazin, Senior Associate, Buddle Findlay
 Lorraine Hercus, Senior Associate, Buddle Findlay
Christchurch Gillian Service, Partner, MinterEllisonRuddWatts
- 10:45am **Morning refreshments & networking break**
- 11:15am **Health and safety law update**
 With penalties for breaches of health and safety laws increasing six-fold, it’s never been more important for HR professionals to ensure compliance with health and safety rules.
 • Penalties under the Health and Safety at Work Act 2015 (HSWA)
 • Sentencing trends under the new penalty regime
 • Stumpmaster & Others v WorkSafe New Zealand [2018]
 • What approach is the High Court applying to sentencing bands?
 • Employers’ obligations relating to drugs and alcohol in the workplace
Auckland Tim Clarke, Partner, Bell Gully
Wellington Michael Quigg, Partner, Quigg Partners
 Simon Martin, Senior Associate, Quigg Partners
Christchurch Susan Rowe, Partner, Buddle Findlay
- 12:00pm **Industrial relations and union rights in 2018 and beyond**
 The last 12 months have seen significant levels of industrial action across the country, and the Employment Relations Amendment Bill is proposing substantial changes to labour law.
 • Collective bargaining for multi-employer collective agreements
 • How will the new Fair Pay Agreements (FPA) bargaining model work in practice?
 • The relationship between FPAs and other agreements
 • What does the 30 day rule mean for your collective agreements?
 • Partial strike pay deductions – when can employers garnish wages for low level industrial action?
 • New rules regarding union communication
Auckland, Wellington & Christchurch Kylie Dunn, Partner, Russell McVeagh
- 12:45pm **Networking lunch**

- 1:45pm **Changes to domestic violence leave**
 The Domestic Violence - Victims Protection Bill will come into effect on 1 April 2019. This 15-minute session will provide an overview of the changes.
- Overview of the Domestic Violence - Victims' Protection Act 2018
 - Practical implications of the new rules for employers
- Auckland** Catherine Stewart, Barrister
Wellington Guido Ballara, Partner, McBride Davenport James
Christchurch Shauna McClelland, Director, Employer Lawyer
- 2:00pm **Practical guidelines for discipline, termination and personal grievances**
 This session will draw on real-life scenarios to discuss procedurally fair and compliant discipline and termination procedures to apply in your workplace.
- Procedural requirements for conducting disciplinary meetings
 - How many warnings should be provided prior to dismissal?
 - Common mistakes that employers make during the disciplinary process
 - How to avoid constructive dismissal claims
 - Step-by-step guide to handling personal grievances that are lodged during disciplinary proceedings
- Auckland** Candice Murphy, Partner, Simpson Western
Wellington Megan Richards, Partner, MinterEllisonRuddWatts
Christchurch Jackie Behrnes, Partner, Anthony Harper
- 2:45pm **Afternoon tea**
- 3:00pm **Medical incapacity and termination**
 Dismissals involving medical issues are fraught with risk. Employers considering the termination of a sick employee should ensure fair and reasonable processes are followed.
- Overview of the core principles and lessons from *Lyttelton Port Company v Arthurs* [2018]
 - How long must employers keep jobs open for long term absent employees?
 - How to carry out a fair enquiry about whether to dismiss an employee on medical grounds
 - Balancing fairness to the employee with the reasonable dictates of practical business requirements
 - What do the courts consider to be a reasonable time to recover from an injury or illness?
- Auckland** Mark Donovan, Barrister
Wellington Hazel Armstrong, Partner, Hazel Armstrong Law
Christchurch Andrew Riches, Partner, Saunders & Co
- 3:45pm **Workplace mental health and the law**
 This fifteen minute session will provide an overview of the legal risks that can arise when dealing with workplace mental health.
- Discrimination on mental health grounds - Human Rights Amendment Act 2001
 - Psychological harm and the Health and Safety at Work Act 2015
- Auckland** Carl Blake, Senior Associate, Simpson Grierson
Wellington Andy Bell, Principal, Bell&Co
Christchurch Penny Shaw, Managing Partner, Penny Shaw Employment Law
- 4:00pm **Panel: When rights collide – discipline and mental health in the workplace**
 Dismissals involving medical issues are fraught with risk. Employers considering the termination of a sick employee should ensure fair and reasonable processes are followed.
- Overview of the core principles and lessons from *Lyttelton Port Company v Arthurs* [2018]
 - How long must employers keep jobs open for long term absent employees?
 - How to carry out a fair enquiry about whether to dismiss an employee on medical grounds
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 - What do the courts consider to be a reasonable time to recover from an injury or illness?
- | Auckland | Wellington | Christchurch |
|--|--|---|
| <i>Panellists:</i> | <i>Panellists:</i> | <i>Panellists:</i> |
| Shaun Robinson, CEO, Mental Health Foundation of New Zealand | Steph Dyhrberg, Partner, Dyhrberg Drayton Employment Law | Sarah Townsend, Partner, Duncan Cotterill |
| Helen White, Barrister | Keith McGregor, Director, Personnel Psychology NZ Ltd | Brad McDonald, Partner, Godfreys Law |
| | | Jonathan Black, Organisational Psychologist, Farsight Limited |
- 5:00pm **Conference concludes**

EARLY BIRD OFFER until 18 January 2019

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