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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
- 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
- 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 Laphorne, Partner, Duncan Cotterill
- 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
- 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 & Kylie Dunn, Partner, Russell McVeagh
Christchurch
- 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
- 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
- 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
- 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
- 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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- | | |
|--|--|
| Auckland | Wellington |
| <i>Panellists:</i> | <i>Panellists:</i> |
| Shaun Robinson, CEO, Mental Health Foundation of New Zealand | Steph Dyhrberg, Partner, Dyhrberg Drayton Employment Law |
| Helen White, Barrister | |
- 5:00pm **Conference concludes**

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