

Performance Termination Interpretation  
**Employment** Claims  
**Law** Zero hours contracts Bullying  
Industrial relations Workplace  
HARASSMENT Health and safety

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# EMPLOYMENT LAW

## for HR MANAGERS

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CLAIMS Zero hours contracts TERMINATION  
HEALTH AND SAFETY  
Bullying  
Employment Law Obligation  
AWARDS Performance  
PERFORMANCE MANAGEMENT INDUSTRIAL  
RELATIONS



**Mark Lawlor**  
Partner  
Duncan Cotterill

9:00am

**Introductory remarks: What's new in 2016?**

- Relationship between ERA and other laws such as the Privacy Act, Health and Safety Act and Employment Act
- Zero hours contracts – Where are we at?
- Update on the Employment Standards Legislation Bill, which is due to come into force on 1 April 2016



**Garth Galloway**  
Partner  
Chapman Tripp

9:30am

**Health and safety reform update: Where to from here?**

- Overview of likely changes to the workplace health and safety regime
- How to meet compliance requirements while minimising red tape
- Minimising risk of prosecution under health and safety regulations
- The role of the Person Conducting a Business or Undertaking (PCBU)
- The duty of due diligence for directors, partners, and those with “significant influence” in the management of a business or undertaking

10:15am

**Morning refreshment break**



**Sherridan Cook**  
Partner  
Buddle Findlay

10:45am

**Holidays Act update: Medical certificates, complex calculations and parental leave**

- Implications of *Howell v MSG Investments Ltd* (2014) regarding whether incentive payments form part of an employee's ‘gross earnings’ for the purposes of calculating holiday pay
- The intersection of the Holidays Act and Parental Leave Act - Calculating annual leave for employees returning to part-time work after parental leave
- Dealing with doctors: Employment law, privacy and health and safety considerations relating to medical certificates, sick leave and bereavement leave
- Are share scheme payouts considered part of ‘gross earnings’ for the purposes of calculating holiday pay?



**Tim Clarke**  
Partner  
Bell Gully

11:30am

**Conducting legally-defensible workplace investigations**

- Step-by-step guide to conducting a thorough and procedurally fair investigation
- Under what circumstances can you legally suspend someone during an investigation?
- Special considerations when you're investigating misconduct by a senior leader
- What is the legally defensible standard of evidence required in a workplace investigation?
- How to handle evidence from witnesses who request to make anonymous statements
- Dealing with bullying complaints – What is best practice?

12:15pm

**Networking lunch**



**Gillian Service**  
Partner  
Minter Ellison Rudd Watts

1:00pm

**Minimising risk in performance management and disciplinary procedures**

- Performance management – the key steps
- Distinguishing poor performance from misconduct
- How to handle:
  - » Stress claims
  - » Extended absences
  - » Refusal to follow instructions
- Recent case law on procedural fairness



**John Rooney**  
Partner  
Simpson Grierson

1:45pm

## Redundancies and restructures: Balancing employee dignity with risk management

- Procedural considerations for the redundancy selection process
- How to restructure and make people redundant legally with dignity
- Good faith in company restructures
- Ongoing implications of *Vice-Chancellor of Massey University v Wrigley* (2011) regarding employer obligations to give employees access to information during restructuring
- Obligations around redeployment in change processes
- Transfer of business – Implications of Part 6A of the Employment Relations Act 2000



**Anthony Drake**  
Partner  
Kensington Swan

2:30pm

## Managing performance-related and medical employee terminations

- Managing termination due to medical incapacity
- Exits by mutual agreement – Procedures and documentation to create a win-win for both parties
- Where does the court draw the line between misconduct and serious misconduct?
- Managing procedural requirements of dismissals
- Changing definitions of 'fair and reasonable' – Implications of recent ERA and court decisions
- Incompatibility and irreconcilable breakdown in the working relationship

3:15pm

## Afternoon refreshment break

3:30pm

## Industrial relations workshop – Dealing with unions the smart way

- Smart tips for dealing with adversarial union representatives
- How to become an effective and influential mediator and negotiator
- Best-practice guide to dealing with industrial action
- Rights of union to recruit members
- What is 'reasonable' notice on potential strike action?
- What is the formula for calculating reduced work during a 'go slow'?
- Processes and rules that unions are obliged to follow when balloting employees and initiating bargaining for the establishment of a collective agreement



**John Hannan**  
Partner  
DLA Piper

4:15pm

## Blurred lines - Social media, privacy and the workplace

- Clarification on the 'grey areas' between employees' private lives and workplace concerns
- How social media impacts disciplinary process and where the Privacy Act steps in
- Implications of *Hammond v Credit Union Baywide* [2015] regarding employee privacy and social media posts



**Kylie Dunn**  
Senior Associate  
Russell McVeagh



**Joe Edwards**  
Senior Associate  
Russell McVeagh

5:00pm

## Conference concludes

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	Surname			
	Company			
	Job title			
	Address Line 1			
	Address Line 2			
	City	State	Postcode	
	Phone			
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