The latest legal developments to help you protect your organisation

14-15 March 2017 | Crowne Plaza Hotel, Auckland

KEYNOTES
The Hon John Brumby
Professor Peter Gahan
Jason Tuck

SEPARATELY BOOKABLE WORKSHOPS

PRE-SUMMIT
1. Conducting a sufficient investigation
2. Collective negotiations masterclass

POST-SUMMIT
3. Holidays Act intensive
A VIEW FROM OUR CHAIRS

JUST WHEN YOU THOUGHT that the industrial relations space was relatively settled, the past year has seen a surprising amount of change. This includes significant reforms in the area of collective bargaining, the imposition of minimum standards, and an overhaul of the Health and Safety legislation.

This conference provides a unique opportunity for practitioners to stop for two days and focus on professional development. You will hear from a range of experts who will cover the most pressing industrial relations and legal issues of the moment.

2016 WAS A VERY BUSY YEAR for HR professionals and their advisers. The employment and human resource landscape has changed significantly over the past year, with major changes in the areas of health and safety and minimum employment standards. Systemic problems with holidays entitlements have come to light, which have required employers to work through remedial action.

The organisers have put together an exciting programme for this year’s event. I encourage you to come along and make the most of the leading conference of its kind in New Zealand.

WORKSHOPS

DEVELOP YOUR SKILLS FURTHER WITH APPLIED PRACTICAL LEARNING IN OUR MASTERCLASSES

PRE-SUMMIT ESSENTIALS - 13 MARCH 2017

1. CONDUCTING A SUFFICIENT INVESTIGATION
   9.00AM - 12.30PM
   Kylie Dunn, Partner, Russell McVeagh

2. COLLECTIVE NEGOTIATIONS MASTERCLASS
   1.30PM - 5.00PM
   Rebecca Rendle, Senior Associate, Simpson Grierson

POST-SUMMIT STRATEGIES - 16 MARCH 2017

3. HOLIDAYS ACT INTENSIVE
   9.00AM - 4.30PM
   Jim Roberts, Partner, Hesketh Henry

REGISTER TODAY
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Register today for one or more of these separately bookable masterclasses

FEATUREING SOME OF THE MOST PRESSING EMPLOYMENT AND INDUSTRIAL RELATIONS ISSUES FACING TODAY’S HR PRACTITIONERS:

• Understanding changes to the Employment Relations Act
• Ensuring compliance with the Holidays Act
• Workplace bullying
• Safe handling of medical incapacity
• Good faith Collective Bargaining
• Employers’ rights managing online misconduct and social media
• Building and executing a plan for redundancy
• Preventing and dealing with data breaches
• Due diligence and pre-employment checks
• Successfully taking advantage of 90 day trials
The Hon John Brumby was the former Premier of Victoria (2007 – 2010) and has immense experience in public life serving for more than 10 years as Treasurer and then Premier of Victoria, 6 years as Leader of the Victorian Opposition and 7 years as Federal MHR for Bendigo during the period of the Hawke Government. Since retiring from politics, Mr Brumby has accepted a number of appointments in both the business and not-for-profit sectors.

PROFESSOR PETER GAHAN
Director
Centre for Workplace Leadership

Peter Gahan is the founding Director of the Centre for Workplace Leadership and Professor of Management at the University of Melbourne. Peter has a Bachelor of Commerce (Hons) (UNSW) and PhD (Melb) in Economics and Industrial relations. Peter was also Director of Workplace Innovation in Industrial Relations Victoria from 2001-2004. He has published widely on the areas of management, workplace innovation, employment relations, HR and organisational performance.

JASON TUCK
National HR Manager - Employment Relations
Countdown Supermarkets

Jason has a business degree combined with over 25 years Human Resources and Employment Relations Management experience. During his career he has utilised his skills and experience in the Public Health and Housing sectors, for NGO’s and well known New Zealand companies such as Carter Holt Harvey, Air New Zealand, Ports of Auckland and more recently Countdown.

2017 Keynote Speakers

FEATURING NEW ZEALAND’S LEADING EXPERTS AND INDUSTRIAL RELATIONS SPECIALISTS

8.30 Registration and coffee

9.00 Opening remarks from the Chair
Susan Hornsby-Geluk, Partner, Dundas Street Employment Law

COMMON PITFALLS - THE MOST PRESSING INDUSTRIAL RELATIONS ISSUES

9.10 Opening Keynote: Insight into the future of work and industry
Technological and social change is leading rapid evolution of the nature of work. New roles and skill sets are emerging whilst traditional roles are being disrupted. New contractual frameworks and traditional employee/employers. How will organisations, employers, educators and regulators evolve to respond?

• Understanding the current changes in the workplace and workforce and the key industries that are being affected
• Looking into the impact of technological and social change on industry
• Don’t be left behind - adapting to the transformation of the workforce

Professor Peter Gahan, Director, Centre for Workplace Leadership

9.55 Changes to the Employment Relations Act - Exposing and removing unfair practices
Since April 2016, changes to the Employment Relations Act 2000 and associated legislation have attempted to prevent workplaces from exploiting vulnerable workers. Aaron will examine how these changes will affect your organisation and the things to keep an eye out for in the future. In particular, Aaron will explore:

• The introduction of new minimum employment standards in sections 67C - 67H of the Employment Relations Act 2000 and other amended legislation;
• The practical implications of these changes in your workplace and key case examples; and
• Where to next? - Understanding how the current trends in work will affect legislation.

Aaron Lloyd, Partner, Minter Ellison Rudd Watts

10.35 Morning break & refreshments

11.05 Creating strong relationships - Your Authority 2017 and beyond
• Addressing areas of change when interacting with the Employment Relations Authority and the reasoning behind that change
• Understanding the complaints process and working with The Authority
• Discussing the common pitfalls where employers making errors to avoid becoming involved with The Authority

Vicki Campbell, Member, Employment Relations Authority

11.45 (Un) Happy Holidays - Decoding the Holidays Act
Following recent cases it has become clear that employers continue to have difficulty interpreting the Holidays Act 2003. This session will examine the Holidays Act and provide clarification for employers of their obligations.

• How much is enough? Keeping sufficient records of how many hours are worked for payroll calculations
• Understanding the causes of the payroll errors discovered in 2016 and what steps have been taken in affected organisations to remedy this
• Strategies for calculating entitlements for employees working overtime or variable hours

Jennifer Mills, Partner - Employment, Anthony Harper

12.25 Lunch break

1.25 Lessons learned - Practical solutions to address workplace bullying
Workplace bullying can have a massive effect on employee culture and productivity as well as leading to costly personal grievance claims. Learn how to practically manage a workplace bullying situation and ensure misconduct is managed appropriately.

• What is the best practice for conducting an investigation when there are allegations of workplace bullying
• Practically misconduct in the workplace and following the correct disciplinary process
• Delving into the impact of increased digital and social media usage on bullying
• What are your rights with regard to employee social media accounts and investigation?

Andrew Scott-Howman, Barrister, Port Nicholson Chambers

2.05 Safely managing a dismissal due to medical incapacity
Dismissing a sick or injured employee is difficult at the best of times, and expensive if you don’t get it right. This session will cover:

• Long term absence arising from serious illness or injury - what medical evidence do you need, and what process should you follow?
• Dealing with intermittent absence caused by a variety of conditions (both real and imagined)
• The ‘D’ word - how to handle cases involving depression and other serious mental illness

Greg Cain, Partner and Charlotte Parkhill, Senior Associate, Kensington Swan

2.50 Afternoon break & refreshments
3.20 Collective bargaining and good faith
This session takes a practical look at what it means to bargain in “good faith” and strategies for settling collective agreements when bargaining stalls. In addition we will:
• Examine the new “end of bargaining laws and assess how useful they are;
• Delve into recent cases including the long running Meatworkers v AFFCO dispute;
• Talk about strikes and lockouts including notice requirements;
• Discuss remuneration strategies during bargaining.
Susan Hornsby-Geluk, Partner,
Dundas Street Employment Lawyers

4.05 Political panel - Regulating a changing workforce
Representatives of the major political parties are invited to provide insight into how their party’s beliefs on the state of workplace relations and what changes should be implemented for workplace relations in the future.

4.40 Lessons learned across seas – An overseas perspective on the future of work
The trends of workforce change are a focus of businesses across the globe, with governments everywhere working to understand how to approach the new workplace. Hon John Brumby joins us to discuss how Australia is handling workplace change and comparing this with the New Zealand experience.
John Brumby, Former Leader, Victorian Labour Party

5.00 Summary remarks from the Chair & Networking Drinks

DAY TWO | 15 MARCH 2017

9.00 Welcome back from the Chair
Stephanie Dyhrberg, Partner,
Dyhrberg Drayton Employment Law

9.05 Keynote: All-weather employment relations - Managing change in the workplace
Retail is an area of consistent change and flux, and Countdown Supermarkets is not immune to this. Jason will join us to discuss how Countdown encourages a productive relationship with their workforce throughout changing tides.
• Fostering a healthy relationship between staff, managers and the union during a change process.
• Sharing Countdown’s journey during a significant staffing change - the tools developed and processes undertaken
• Looking forward to the future and continuing to keep employment relations strong
Jason Tuck, National HR Manager - Employment Relations,
Countdown Supermarkets

9.50 Creating and executing an effective drug and alcohol policy
The case of McLeod vs Envirowaste has shown that even if your worker tests positive for an illegal substance dismissal may not automatically be justified. In this session Kate will explain how to build a strong drug and alcohol policy and how to enforce it to ensure you do not fall foul of the law.
• Understanding the practicalities of testing your workforce
• Looking into what needs to be included in effective drug and alcohol policies
• When a positive result isn’t enough - looking at the case of McLeod VS Envirowaste
Kate Ashcroft, Principal, Copeland Ashcroft Law

10.35 Morning break & refreshments

STREAM SESSIONS START

11.05 STREAM SESSION ONE
The Health and Safety at Work Act one year on
The new Health and Safety at Work Act 2015 has made it clear that there is now no option but to make safety a priority in the workplace. Learn how the Act has changed processes across workplaces and the consequences of not following the Act correctly.
• Is the Health and Safety at Work Act achieving the goals set out prior to implementation?
• What practical changes have had to be made to workplaces to ensure compliance with the Act?
• Looking at recent case law from New Zealand and Australia
Sherridan Cook, Partner, Buddle Findlay

11.05 STREAM SESSION TWO
Demystifying the mediation process
If implemented correctly mediation is a great tool to avoid costly litigation or grievances. Maria will join us to discuss the opportunities for mediation and the situations where it is warranted, and how to ensure a mutually beneficial mediation process.
• Understanding when is appropriate to use mediation
• Working through the mediation process - what participants should expect
• Looking at tactics to use to ensure the mediation process is successful for all parties
Maria Dew, Barrister, Bankside Chambers

11.45 STREAM SESSION ONE
Building and executing a plan for redundancy
Restructures are an important tool to ensure that organisations are delivering on strategy. To minimise risk it is imperative that a restructure is thoroughly researched, communicated and implemented. Anthony will take delegates through the process to execute for a restructure ensuring that you are protected from making a costly error during the process.
• Constructing a sufficient business case for redundancy
• Gathering detailed and specific evidence to build the business case for departmental restructure
• Consulting with staff and ensuring lines of communication are open
Anthony Drake, Managing Partner, Kensington Swan

11.45 STREAM SESSION TWO
Protecting personal information: preventing and dealing with data breaches
With more information being collected from staff and consumers, and the ease of electronic copying and transmission, employers must do everything possible to protect personal information and prevent a data breach from happening.
• Deciding what information will be collected from employees
• Storing personal information safely and securely
• Preventing employees from misusing sensitive information
• Responding to data breaches
Tim Clarke, Partner, Bell Gully
12.25 Lunch break

1.15 STREAM SESSION ONE

Executing effective parental leave policies
As with other facets of employment relations, parental leave is more complex and changing in response to the modern workforce. Learn how parental leave has changed and how to modify parental leave policies to work with the demands of the modern workforce.

• Examining how entitlements to parental leave have been changed under amendments to the Employment Relations Act
• Looking into what changes are required of employers - how should policies be updated?
• Looking at the common ‘pain points’ of managing parental leave and where employers are facing difficulty

Jessie Lapthorne, Partner, Duncan Cotterill

1.15 STREAM SESSION TWO

Dodging bullets - Due diligence/pre-employment checks and safety nets
Recruitment can be a challenging process that is made more complicated by the processes required to ensure that prospective employees are suitable, fit for the job and are what they say they are. This informative session will explain the steps to be taken to ensure applicants are fit for the job and how to do it in a robust and lawful way. Johanna will cover:

• What is important to ask and investigate about applicants
• What pre-employment checks you are allowed to make before offering employment
• How to conduct correct checks under the Vulnerable Children’s Act
• The ‘safety nets’: having appropriate mechanisms in your employment agreements which help when issues arise

Johanna Drayton, Partner, Dyhrberg Drayton

1.55 STREAM SESSION ONE

Examining the effectiveness and utilisation of 90 day trials
90 day trials have become standard since implementation but still face difficulty from improper use or effectiveness. Learn how to effectively:

• Take advantage of 90 day trials as a tool while avoiding making costly errors.
• Understanding the aims of the 90 day trial legislation
• Looking at the effects that the trial period has had on the workforce
• Explaining what steps can be taken at the end of a 90 day trial and where it has been faulted in the case of Lighthouse ECE

Stephanie Dyhrberg, Partner, Dyhrberg Drayton

1.55 STREAM SESSION TWO

Achieving flexibility in the workforce - casual and temporary staff
The workforce is becoming increasingly casualised but it is important to be aware of employees’ rights and avoid exploitative practices such as zero hour contracts.

• Ensuring flexibility and reliability while ensuring compliance with the Act
• Looking at situations where employers can find themselves in difficulty with casual and temporary staff
• Understanding the difference between a casual staff member and a permanent part time staff member

STREAM SESSIONS END

2.35 Afternoon break & refreshments

2.55 To tweet or not to tweet? Balancing freedom of speech and online misconduct
Social Media is difficult for managers due to its significant distraction but it also provides another set of challenges in giving employees a platform to air grievances inappropriately.

• Looking at what protection organisations have against improper representation from employees online
• Understanding what rights you have when investigating online conduct
• Setting permissible parameters for online conduct and communicating this to employees

Bridget Smith, Partner, SBM Legal

3.35 The legal obligations relating to mental health issues at work
Burnout, depression and mental illness are seemingly on the rise as important issues for employers to manage with their workers. Blair Scotland will discuss your legal obligations to manage mental health issues including work-related stress.

• Examining your responsibilities to mitigate stress and avoid employee burnout
• Managing the process of employees returning to work after a period of mental illness
• Looking at examples of employers inadequately managing stress such as Metcalfe v Barclay Engravers

Blair Scotland, Partner, Dundas Street Employment Lawyers

4.15 Closing remarks from the Chair and end of conference
CONDUCTING A "SUFFICIENT" INVESTIGATION
13 MARCH 2017: 9.00AM - 12.30PM

Investigations represent an opportunity to ensure a fair process and increase the chances of a justified dismissal, but only if they are done correctly. This workshop will give you practical lessons on how to conduct a proper and thorough investigation and how to avoid making a costly mistake during the process.

· What constitutes a “sufficient investigation” in the eyes of the courts?
· Whether to conduct an internal investigation or to use someone external
· How to brief out an external investigation
· A step by step guide to putting together an internal investigation, including developing questioning skills and conducting interviews
· Developing questioning skills and conducting interviews
· Responding to conflicting information and misleading answers
· Managing the rights and expectations of all parties involved
· Lessons to be learned from recent case law - where have employers gone wrong with employee investigations?

Kylie Dunn, Partner, Russell McVeagh

COLLECTIVE NEGOTIATIONS MASTERCLASS
13 MARCH 2017: 1.30PM - 5.00PM

The collective bargaining process is fraught with difficulty and risk and when negotiations fall through the consequences on an organisation are immense. This workshop will give delegates the practical tools to ensure a successful bargaining process and support a productive dialogue during negotiation.

· Looking at the importance of the bargaining process
· Delving into the idea of “good faith” and what is required to be reasonable
· Discussing essential negotiation skills for the bargaining process
· Providing an overview of wage increase rates and linking pay to specific performance targets
· Techniques to avoid a stalemate situation
· Explaining tips and tricks for handling difficult negotiations
· Reaching beneficial conclusions and finalising agreements
· Surviving strikes and lockouts

Rebecca Rendle, Senior Associate, Simpson Grierson

HOLIDAYS ACT INTENSIVE
16 MARCH 2017: 9.00AM - 4.30PM

Confusion over the Holidays Act has become clear in the past year after underpayment has been discovered in several large organisations. This practical workshop will help participants gain a greater understanding of their obligations under the Holidays Act 2003 and avoiding making mistakes with Holiday’s Act entitlements.

· Providing a step by step guide for calculating Holidays Act pay entitlements
· Looking at the process to follow for an office shut down period
· Understanding annual leave entitlements for workers with variable hours
· Cashing in Annual Leave entitlements – tax obligations, public holidays and employee protections
· Delving into payroll documentation and information storage
· Understanding the process for transference of public holidays
· Discussing your common “pain points” in the Holidays Act and solutions
· Explaining what went wrong in payroll miscalculations in 2016
· Calculating pay entitlements for employees with variable hours or overtime
· Understanding what changes your company needs to make to ensure compliance with the act

Jim Roberts, Partner, Hesketh Henry
REGISTRATION DETAILS

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| **CONFERENCE** | REGISTER & PAY BEFORE 5PM  
16 December 2016 | REGISTER & PAY BEFORE 5PM  
10 February 2017 | REGISTER & PAY AFTER 5PM  
10 February 2017 |
| CONFERENCE     | $2199 + GST       | $2399 + GST      | $2599 + GST |
| COST PER 1/2 DAY WORKSHOP | $599 + GST | $699 + GST | $799 + GST |
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- **YOU HAVE SEVERAL OPTIONS:**
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  - Confirm your cancellation in writing (letter or email) at least ten working days prior to the event and receive a refund less a $300+GST service charge per registrant.
  - Regrettably, no refunds can be made for cancellations received after this date.

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