INDUSTRIAL & EMPLOYMENT RELATIONS SUMMIT

32nd annual

7-8 MARCH 2018 | CROWNE PLAZA, AUCKLAND

Leading a modernised workforce in changing regulatory tides

THE NEW GOVERNMENT MEANS BIG CHANGES
DON’T MISS THIS SUMMIT FOR THE LATEST ON:

• Preparing and positioning your ER policies for compliance
• Strategies for effective collective bargaining and union engagement
• Understanding pay equity and equal pay
• The revitalisation of Health and Safety in the workplace
• Frameworks for restructuring, redeployment and redundancy
• Successfully managing workplace investigations

Erin Polaczuk, National Secretary, Public Service Association
Andre Lubbe, Head of Employment Relations, Auckland Council
Julie Simpson, GM People Experience and Employment Relations, The Warehouse Group
Sean Williams, Director Employment Relations, Auckland University of Technology
Kirk Hope, Chief Executive, Business NZ
Andrew Scott-Howman, Barrister, Port Nicholson Chambers

Gillian Service, Partner, Minter Ellison Rudd Watts
Grant Nicholson, Partner, Kensington Swan
Johanna Drayton, Partner, Dyhrberg Drayton Employment Lawyers
Sherridan Cook, Partner, Buddle Findlay
Tim Clarke, Partner, Bell Gully
John Hannan, Partner, DLA Piper

CONFERENZ.CO.NZ/IER
INDUSTRIAL & EMPLOYMENT RELATIONS SUMMIT

MESSAGE FROM OUR CHAIRS

FOR THE FIRST TIME IN 17 YEARS there are going to be real and substantial employment law reforms. This will be an exciting and dynamic time for human resources practitioners, as the legislative changes are aimed at shifting the balance back in favour of employee rights and collective bargaining. The 2018 summit falls just after the new Government’s first 100 days which is when the first lot of changes are expected to be made. The summit will therefore be timely and highly valuable in bringing practitioners up to speed with the legislative reform and what it all means. You can’t miss this one!

WELL, THAT CHANGES EVERYTHING! Buckle your seatbelts and watch the safety briefing: the employment law landscape is about to change. The Employment Relations Act will be overhauled, rolling back many of the amendments introduced over recent years. The Holidays Act will be reviewed (again). Equal pay and pay equity are on the agenda. Paid parental leave and the minimum wage have increased and will increase further. Come and hear from the best in the business as we crystal ball gaze to work out what all of this will mean for employers, employees and advisers.

WITH A NEW COALITION GOVERNMENT at the helm, 2018 will be a busy year for HR and ER practitioners in assisting businesses and workers to navigate the changes in employment laws. The conference will be a great opportunity to hear and learn from leading experts on a range of challenging topics in industrial and employment relations, including restructuring, redeployment and restraint of trade. This will be great time to meet and network with other practitioners in the field.

The 32nd Annual Industrial and Employment Relations Summit is back next March to:

1. Inform ER practitioners what they need to know about the impact of the recent significant reforms in employment law on business and industry.
2. Facilitate discussions around the best practice for managing employees in the changing employment environment.
3. Provide a Forum where those who work in and around the industrial and employment relations scene can network and learn from one another.

A new Government means big changes for the employment law landscape in New Zealand. Industrial and Employment Relations Specialists must understand and comply with new laws and regulations. Come along to the leading employment law summit in New Zealand and hear from the experts about the best practices to position your ER policies for compliance.

EXPERT INSIGHTS FROM:

MinterEllisonRuddWatts  Anthony Harper  BUDDLEFINDLAY  BELL GULLY
WORKSHOPS

PRE-SUMMIT WORKSHOPS TUESDAY 6 MARCH 2018

1. 9.00-12.30 Conducting a sufficient investigation
   Kylie Dunn, Partner, Russell McVeagh

2. 1.30-5.00 Strategies for restructure & redeployment processes
   Chris Baldock, Senior Associate, Minter Ellison Rudd Watts

POST-SUMMIT WORKSHOP FRIDAY 9 MARCH 2018

3. 9.00-4.30 Holidays Act Masterclass
   Jim Roberts, Partner, & Mo Al Obaidi, Solicitor, Hesketh Henry

REGISTER TODAY
CONFERNZ.CO.NZ/IER
9.00 Opening remarks from the Chair  
Susan Hornsby-Geluk, Managing Partner  
Dundas Street Employment Lawyers

INSIGHT INTO THE NEW DIRECTIONS

9.10 Ministerial Address  
Hear insight into the new Government’s plans for areas impacting businesses, employers and employment relations.

9.30 Keynote Address - The impact of employment law changes on business and industry  
What you need to know about new employment law reforms so you can plan to prepare and position your ER policies for compliance.  
• Analysing employment law changes foreshadowed by the new Government  
• Critically examining how these will impact NZ business  
• Highlighting and explaining any new obligations and responsibilities to minimise disruption and de-risk your organisation  
Kirk Hope, Chief Executive, Business NZ

10.00 Employers’ Panel - The practical application of new employment law reforms  
The employers’ panel will discuss the new Government’s significant reforms and the changes in their workplaces that Industrial and Employment Relations Managers need to be aware of.  
• How do the new reforms translate into practice?  
• Is the further reform being taken care of in other ways?  
• Highlighting successful strategies to work within the new reforms  
Sean Williams, Director, Employment Relations and Mediation Coordinator - People & Organisation  
Auckland University of Technology  
Andre Lubbe, Head of Employment Relations, Auckland Council  
Julie Simpson, GM People Experience and Employment Relations, The Warehouse Group

10.50 Morning break

11.10 Rebalancing for fairness and productive workplaces - the Union’s perspective  
The new Government is proposing to restore various union rights and improve access to the workplace for their representatives.  
• How the new government’s proposed reforms will impact workforces and unions  
• What the changes mean for the New Zealand workforce  
• How unions and employers will work together for win-win solutions  
Erin Polaczuk, National Secretary, Public Service Association

11.50 Thoughts on ER from the Employment Relations Authority  
• Looking into lessons from recent cases and developments with the ERA  
• Understanding Authority investigation meetings  
• Highlighting the levels of compensation that are being awarded  
• Discussing access to justice - price and access to services  
Vicki Campbell, Authority Member, Employment Relations Authority

12.20 Lunch break

1.20 Effective collective bargaining and union engagement  
For the first time in 17 years, significant changes to employment laws are planned which will impact most in the area of collective bargaining. Join our expert to discuss what the changes are and how this will impact bargaining and union engagement in practice.  
• How is the law changing and what are the key impacts  
• What are Fair Pay Agreements and how will they be negotiated  
• How to ensure effective communication during the bargaining process  
• Practical strategies for engaging with unions effectively  
• Strategies for how to get things back on track when they fall apart  
• Key issues in respect of strikes and lockouts  
• Preference, discrimination and passing on claims  
Susan Hornsby-Geluk, Managing Partner  
Dundas Street Employment Lawyers

2.20 Table Talks  
Delegates will be asked to discuss important issues they are facing in regards to the changing laws surrounding employment relations.  
TOPIC ONE: What is the biggest impact the changing employment relations laws have had on your workplace, and how are you working to resolve them?  
TOPIC TWO: What are your best practice strategies for dealing with employment investigations at work?  
2.50 Afternoon break

3.20 Examining the latest gains in pay equity and equal pay  
• Understanding the ground-breaking Bartlett v Terranova case  
• The recommendations from the joint working group in November 2016  
• Exploring the implications of the reforms the government is introducing  
Steph Dyhrberg, Partner, Dyhrberg Drayton Employment Law

4.00 Holidays Act 2003 - the ugly stuff  
Numerous employers have been caught up in MBIE audits, including government agencies.  
• Reviewing the key traps in the Holidays Act 2003  
• What key steps can be taken to avoid the risk of non-compliance?  
• The new MBIE working group guidelines on annual holiday entitlements - do they help or hinder?  
Charlotte Parkhill, Senior Associate, Kensington Swan  
Greg Cain, Partner, Kensington Swan

4.40 Summary remarks from the Chair and networking drinks
9.00 Welcome back from the Chair
Jennifer Mills, Partner Employment, Anthony Harper

9.10 The revitalisation of health and safety in the workplace
- Highlighting the Health and Safety at Work Act 2015 and its new higher penalties
- Understanding how the latest case law precedents have been interpreting the Health and Safety at Work Act 2015 and how this affects your workplace
- Looking into the due diligence obligation for duty holders
- Examining the term ‘enforceable undertaking’
Grant Nicholson, Partner, Kensington Swan

9.50 Examining guidelines for restructuring
- Explaining the legal requirements for restructuring your business
- Strategies to manage the process and mitigate legal risk
- Examining the latest case law precedents and explaining what you need to know

10.30 Morning break

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**BREAK OUT STREAMS START**

### Chaired by: Jennifer Mills, Anthony Harper

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<td>Deploying successful full and final settlement agreements</td>
<td>Tim Clarke, Partner, Bell Gully</td>
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11.45 Difficult practical redundancy issues and how to deal with them
- Is it redundancy or just a legitimate change in role/hours/ location?
- Deciding on the pool - is the role a unique role or does it need to be pooled with other similar roles in the same or other locations?
- Redeployment - what is the obligation when other vacant roles exist in the same or other locations?
- Selection criteria, best practice, minimising risk and selecting in vs selecting out
- Dealing with employees on parental leave
Jessie Lapthorne, Partner, Duncan Cotterill

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12.30 Lunch break

1.30 Managing restraints of trade, privacy and confidential information
- How to protect confidential information and intellectual property
- Questions that you can’t ask your current or prospective employees
- Looking into the legality of restraint of trade agreements in the technological age
- Discussing the law and case law precedents employers need to be aware of
Gillian Service, Partner, Minter Ellison Rudd Watts

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12.30 Lunch break

1.30 Managing medical incapacity issues
- What are the obligations for employers when dealing with unwell employees?
- Highlighting when stress and mental burnout become incapacitating factors
- Red flags employers need to be aware of to necessitate remedial action
Johanna Drayton, Partner, Dyhrberg Drayton Employment Lawyers

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2.05 Which country's employment law applies, and when? - Implications of the Cathay Pacific age discrimination case for trans-national employment

- Understanding the complexities when engaging New Zealand-resident employees to work partly or wholly overseas - can you choose foreign employment law to apply?
- What about staff seconded, or just visiting, from overseas to work in New Zealand? Or hiring foreign domiciled employees to work part time or full time in New Zealand? Does New Zealand employment law apply to them?
- When is it possible to choose the law of another jurisdiction to apply to employment based wholly or partly in New Zealand? Or to employees who are New Zealand residents?
- What are the limits on such choice of applicable law? What happens if you make no choice?
- Why do New Zealand anti-discrimination provisions apply to employees working under employment agreements which choose foreign law? What are the limits? Does New Zealand’s unjustified dismissal law also apply? Do the minimum code provisions apply?
- Insurance and health and safety issues for overseas-based staff working in New Zealand

John Hannan, Partner, DLA Piper

Discussing appropriate out of work and online conduct

- Explaining recent cases and developments
- The extent to which an employer can monitor an employee's online activity and out of work conduct
- Understanding the extent to which online or out of work conduct can become subject to disciplinary action
- What steps can be taken to mitigate employee misconduct online and out of work

Anthony Drake, Partner, Kensington Swan

BREAK OUT STREAMS END

2.40 Afternoon break

3.00 Mini masterclass - interpersonal workplace investigations

Join Andrew Scott-Howman for this interactive session discussing the development of this specialist area of emerging law

- What law does apply to the field - including investigating the application of natural justice
- Looking into the recent case law and how employment law applies
- Posing issues and questions to help with your understanding

Andrew Scott-Howman, Barrister, Port Nicholson Chambers

4.20 Closing remarks from the Chair and end of conference

Steph Dyhrberg, Partner, Dyhrberg Drayton Employment Law

JOIN US FOR:

Special keynote address from Kirk Hope, Chief Executive, Business NZ

Kirk Hope is Chief Executive of BusinessNZ, New Zealand’s largest business advocacy body, advocating for New Zealand’s success through sustainable market-led growth. Kirk previously led the New Zealand Bankers’ Association and Financial Services Federation after holding a range of senior positions at Westpac, including Head of Government Relations and Regulatory Affairs. A barrister and solicitor with a master’s degree in law focused on regulation of financial services, Kirk also holds a post graduate honours degree in political science. For five years he was a member of the Commercial and Business Law Committee of the New Zealand Law Society.

A special extended interactive session on interpersonal workplace investigations with Andrew Scott-Howman, Port Nicholson Chambers

Effective strategies and frameworks for collective bargaining and union engagement with Susan Hornsby-Geluk, Dundas Street Employment Law
WORKSHOPS
DEVELOP YOUR SKILLS FURTHER WITH APPLIED PRACTICAL LEARNING IN OUR WORKSHOPS

Register today for one or more of these separately bookable workshops

PRE-SUMMIT WORKSHOPS TUESDAY 6 MARCH 2018

1. Conducting a sufficient investigation

Investigations represent an opportunity to remove a misbehaving employee but also present significant risk if conducted incorrectly. This workshop will give you practical lessons on how to conduct a proper and thorough investigation, avoiding making a costly mistake during the process.

- Looking at what constitutes “sufficient investigation” in the eyes of the Employment Court
- Providing a step by step guide of putting together an employee investigation
- Developing questioning skills and conducting interviews
- Responding to conflicting information and misleading answers
- Avoiding wasting time in the investigations process
- Consulting with staff and adequately explaining the situation
- Managing the rights and expectations of all parties involved
- Looking at and learning from recent case law - where have employers gone wrong with employee investigations

Kylie Dunn, Partner, Russell McVeagh

2. Strategies for restructure & redeployment processes

With pressures to align business strategies alongside a modernised workforce and digital future, businesses are challenged with the need to restructure. However, redundancies should be the last resort for businesses going through brave change. An effective approach for organisational restructure to reduce risk and retain talent is to redeploy staff. In this workshop gain in-depth knowledge on the processes to manage transitions and minimise risk.

- Defining business objectives for the change and transition
- Developing consultation processes
- Highlighting the nature of new roles and working collaboratively with staff
- Managing employee grievances and conflict of interest during selection process
- Avoiding pitfalls and dealing with risk

Chris Baldock, Senior Associate, Minter Ellison Rudd Watts

POST-SUMMIT WORKSHOP FRIDAY 9 MARCH 2018

3. Holidays Act Masterclass

Confusion over the Holidays Act has become apparent 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 avoid making mistakes with Holidays Act 2003 entitlements.

- Providing a step by step guide for determining entitlements under the Holidays Act 2003
- Understanding and determining entitlements for employees with variable hours or overtime
- Looking at the process to follow for an office closedown period
- Cashing in annual holiday entitlements - tax obligations, public holidays and employee protections
- Delving into payroll issues, documentation and information storage
- Understanding the process for transfer of public holidays
- Explaining what went wrong in payroll miscalculations in 2016
- Discussing your common “pain points” and solutions in the Holidays Act 2003
- Understanding what changes your company needs to make to ensure compliance with the Holidays Act 2003

Jim Roberts, Partner, & Mo Al Obaidi, Solicitor, Hesketh Henry
# Conference

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| Direct credit to our bank account (please supply details of remittance) | We accept most major credit cards. Please contact our office directly on (09) 912 3616 if you wish to use this method of payment, or register online for this event at www.conferenz.co.nz | You have several options:
| ACCOUNT NAME: Conferenz Ltd ACCOUNT NUMBER: 06-0273-0228588-25 | A 2.5% surcharge will be added to credit card payments | Send a substitute delegate in your place
|                            |                          | 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. |

**Agenda Updates:** Conferenz Ltd reserves the right to make any amendments deemed to be in the best interest of the summit. Agenda is correct at time of printing, please check online for any updates.

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