

Examining and reviewing the latest significant employment law changes

5-6 MARCH 2019 | CROWNE PLAZA, AUCKLAND

THE NEW LAWS MEAN BIG CHANGES

DON'T MISS THIS YEAR'S SUMMIT TO HEAR THE LATEST EXPERT INSIGHTS ON:

- How technology is changing traditional working patterns and employment law
- Effective collective bargaining and union engagement after the significant new reforms
- Issues surrounding the new privacy, fair pay agreements, pay equity and Holidays Act 2003 reforms
- The best practice to create and promote a work culture that prevents inappropriate behaviours
- Practical advice on managing investigations and mediations
- Managing absentee management and new mental health obligations in the workplace



**Her Honour
Christina Inglis,**
*Chief Judge of the
Employment Court*



Paul Mackay,
*Manager Employment
Relations Policy,
Business NZ*



Kathryn Dalziel,
*Barrister
Walker Street
Chambers*



**Andrew
Scott-Howman,**
*Barrister
Port Nicholson
Chambers*



Charlotte Parkhill,
*Partner,
Kensington Swan*



Tim Clarke,
*Partner
Bell Gully*



Anna Jones,
*Associate Director,
Three60 Consult*



Greg Cain,
*Partner,
Kensington Swan*



Megan Richards,
*Partner,
Minter Ellison Rudd
Watts*



John Hannan,
*Partner,
DLA Piper*



Susan Hornsby-Geluk,
*Managing Partner,
Dundas Street
Employment Lawyers*



John Edwards,
Privacy Commissioner

THE NEW LAWS MEAN BIG CHANGES!

Is your organisation prepared for the legislative reforms that are happening in the employment law landscape?

Don't miss the 33rd Annual Industrial and Employment Relations Summit in March 2019.

Come along to the leading employment law summit in New Zealand and hear from the top experts about the best practices to position your ER policies for compliance.

MEET OUR CHAIRS



Jennifer Mills
Director and Head of Practice
Jennifer Mills & Associates



Steph Dyhrberg
Partner, Dyhrberg Drayton
Employment Law



Amanda Douglas
Partner
Wynn Williams

TOP THREE REASONS TO ATTEND:

- 1.** Avoid costly mistakes and hear from the experts about the best practice for ensuring compliance with the new law changes.
- 2.** Facilitate discussions around the best practice for managing employees in the changing employment environment
- 3.** Network and learn from the experts as well as other HR and ER practitioners who are facing the same challenges

Featuring special presentations from:



**Her Honour
Christina Inglis,**
*Chief Judge of the
Employment Court*



John Edwards
Privacy Commissioner

FEATURING NEW ZEALAND'S LEADING EXPERTS AND INDUSTRIAL RELATIONS SPECIALISTS



From left to right: Sherridan Cook, **Buddle Findlay** | Shan Wilson, **Simpson Grierson** | Jim Roberts, **Hesketh Henry** | Charlotte Parkhill, **Kensington Swan** | Anthony Drake, **Wynn Williams** | Susan Hornsby-Geluk, **Dundas Street Employment Lawyers** | Grant Nicholson, **Kensington Swan** | Jessie Laphorne, **Duncan Cotterill** | Andrew Scott-Howman, **Barrister** | Kathryn Dalziel, **Barrister** | John Hannan, **DLA Piper** | Megan Richards, **Minter Ellison Rudd Watts**

WORKSHOPS

PRE-SUMMIT WORKSHOPS MONDAY 4 MARCH 2019

1

9.00-12.30

Strategic processes for restructure and redeployment processes

June Hardacre, *Senior Associate*, Minter Ellison Rudd Watts



2

1.30-5.00

Conducting a sufficient investigation

Rosemary Wooders, *Senior Associate*, Bell Gully



3

9.00-5.30

Masterclass – Practical components of HR practice

Jessie Laphorne, *Partner*, Duncan Cotterill



8.30 Registration and coffee**9.00 Opening remarks from the Chair**

Jennifer Mills, *Director and Head of Practice*

Jennifer Mills & Associates

9.10 Ministerial Address - Impacting employment law with positive reform

- Outlining the need for change and reform in the current climate
- How the new reforms will positively affect the employment environment
- Looking into the future of work and the ways we do business

Hon. Iain Lees-Galloway, *Minister for Workplace Relations and Safety, ACC, and of Immigration, Deputy Leader of the House,*

Under Invitation

9.30 Analysing the impact of anticipated changes on employment law and business

Join our experts to discuss what this means for the business and legal environments.

- Examining the changes that will affect the business and legal landscapes
- Outlining how the changes will impact employers and what the new obligations and practical implications are
- Discussing whether the new changes increase fairness between employees and employers in order to promote productive employment relationships

Paul Mackay, *Manager Employment Relations Policy, Business NZ*

Jennifer Mills, *Director and Head of Practice, Jennifer Mills & Associates*

10.10 Q&A with Paul Mackay and Jennifer Mills**10.20 Morning break****10.50 Analysing the impact of new privacy laws**

- Highlighting the challenges of the modern environment and the way it has changed employer and employee obligations
- Analysing the new privacy laws and predicting the impact on employment law and HR and ER practitioner obligations
- Looking into the toolbox on best practice and how to manage privacy obligations effectively

John Edwards, *Privacy Commissioner*

Kathryn Dalziel, *Barrister*

11.30 Q&A with John Edwards and Kathryn Dalziel**11.40 Restructuring and redeployment – getting it right first time**

Restructuring is an essential tool for employers given that change processes are a necessary part of managing a business. However, even though restructuring is a familiar concept, we regularly see employers struggle with hidden stumbling blocks that can easily turn legitimate change processes into costly employment disputes. In addition to taking you through recent developments in the area of restructuring and redundancy, this session will shine a light on the pitfalls employers need to be wary of including:

- Consultation obligations – how much and when?
- What is “all relevant information”?
- Selection criteria and processes
- Redeployment and preference obligations
- When is a role “substantially similar”?
- Employment protection provisions

Susan Hornsby-Geluk, *Managing Partner, Dundas Street Employment Law*

12.20 Q&A with Susan Hornsby-Geluk**12.30 Lunch break****1.30 Developing themes in employment law: A perspective from the Employment Court bench with Chief Judge Christina Inglis**

- How technology and the rapidly changing work environment is affecting employment law
- Minimum standards and evolving workforce practices
- The impact of change and what the future might bring
- Potential barriers to asserting and defending employment claims

Chief Judge Her Honour Christina Inglis, *Employment Court New Zealand*

2.00 Q&A with Chief Judge Her Honour Christina Inglis**2.10 Investigating investigations – practical advice on how to deal with them**

Focusing on the practical advice you need to deal with investigations and the best practice for implementing one and seeing it through.

- When is an investigation needed and what are the laws that apply to them?
- Practical advice for ensuring a full and fair investigation within the bounds of natural justice and procedural fairness
- Looking at the different types of investigation that can be implemented and what to expect during the process

Andrew Scott-Howman, *Barrister, Port Nicholson Chambers*

2.50 Q&A with Andrew Scott-Howman**3.00 Afternoon break****3.20 Managing medical incapacity**

Dealing with absence management of employees as a result of ill health and the best strategies and practices for HR and ER professionals

- Outlining your obligations as an HR professional and the red flags you need to be aware of
- Looking into when stress and mental burnout become incapacitating factors
- Highlighting best practice for dealing with unwell employees

Tim Clarke, *Partner, Bell Gully*

4.00 Q&A with Tim Clarke**4.10 Mental health obligations in the workplace**

Creating a culture of health and well being in the work place has become an important part of the employment law landscape in recent years. However, dealing with mental health in the workplace can be a difficult issue for employers, who must balance business interests against their safety and employment obligations and act sensitively and compassionately. This session will cover:

- Managing mental health issues in the workplace, including stress;
- Monitoring the mental wellbeing of your employees: approaches from other jurisdictions
- The obligations for businesses from a safety perspective
- How to respond to a claim by an employee, or an enquiry by Worksafe

Charlotte Parkhill, *Partner*, and **Greg Cain**, *Partner, Kensington Swan*

4.50 Q&A with Charlotte Parkhill and Greg Cain**5.00 Summary remarks from the Chair & Networking Drinks**

8.50 Welcome back from the Chair**Steph Dyhrberg**, *Partner*, **Dyhrberg Drayton Employment Law****9.00 Changes to collective bargaining and union engagement**

The Employment Relations Act 2000 has undergone major amendments which will result in significant changes within the collective bargaining and union engagement landscape. Join our expert to discuss how the practical implications for this will affect HR practice in the work place.

- Outlining the key changes to collective bargaining and enhancing union membership
- How the changes will impact the obligations of employers and their HR teams
- Ensuring effective communication and outlining best practice for engaging with unions effectively in common possible scenarios
- Looking into fair pay agreements, and what these may mean.

Sherridan Cook, *Partner*, **Buddle Findlay****9.40 Q&A with Sherridan Cook****9.50 Happy holidays – Holiday Act**

Examining Holidays Act 2003 non-compliance, the new amendments, and what change is in the wind.

- Dissecting non-compliance - what went wrong and why? Checking the basics and identifying red flags.
- Preparing for when the Labour Inspector calls.
- Highlighting the new Holidays Act amendments
- Exploring Holidays Act reform - another re-write or a brave new world?

Jim Roberts, *Partner*, **Hesketh Henry****10.30 Q&A with Jim Roberts**

10.40 Morning break

BREAKOUT SESSIONS BEGIN**DELEGATES CHOOSE SESSION A OR B****SESSION A**

Chaired by: **Steph Dyhrberg**, *Partner*, **Dyhrberg Drayton Employment Law**

11.10 The right to disconnect

The modern workplace together with the ever increasing use of new and portable technologies and the introduction of flexible working arrangements has changed traditional work patterns, including how workers respond to work demands. What is the work day and when does it finish?

- Outlining why employers need to rethink their expectations of employees who are provided with portable digital devices and technology, and be expected to be readily available outside of normal work hours and the workplace
- How is the health and safety case law and legislation developing around this?
- Looking into trends from overseas and discussing specific case studies

Anthony Drake, *Partner*, **Wynn Williams****11.50 Health and safety in your workplace**

- Examining the latest developments in health and safety that HR and ER professionals need to know
- Defining PCBU, enforceable undertakings and other important terms
- Best practice and strategy for getting it right

Grant Nicholson, *Partner*, **Kensington Swan****SESSION B**

Chaired by: **Amanda Douglas**, **Wynn Williams**

Spotlight on triangular contracts

- Examining what rights the private member's bill on triangular contracts seeks to strengthen and the situations it can cover
- Looking into the impact of the LSG Sky Chefs New Zealand Limited v Prasad [2018]
- Outlining best practice and future direction on distinction between employees and temp labour.

Shan Wilson, *Partner*, **Simpson Grierson****OR****Exiting employees and restraints of trade**

- Procedure surrounding exiting employees
- Drafting full and final settlement agreements
- Looking into restraint of trade clauses
- Impact of the digital revolution on restraint of trade drafting and effectiveness
- Reviewing the case law and what HR and ER practitioners need to know

John Hannan, *Partner*, **DLA Piper****OR**

12.30 Lunch break

1.30 Pay equity and fair pay agreements

- Changes to pay equity provisions
- The new Fair Pay Agreement regime
- Practical implications
- Recent developments

Steph Dyhrberg, Partner,

Dyhrberg Drayton Employment Law

2.10 Achieving effective mediations

- Looking into situations where mediation is particularly effective and how to recognise them
- What are the uses of mediation and how do you achieve outcomes for HR people
- Tips and tricks for using the current system to your best advantage
- Looking into what an effective outcome in a mediation can mean

Rebecca Rendle, Senior Associate, Simpson Grierson

OR

Dealing with serious business – bullying and sexual harassment in the workplace

- Looking into the impact the #metoo movement has had on this area of workplace relations
- Understanding your obligations as an employer and how to handle these complaints appropriately
- Creating and promoting a culture that prevents inappropriate behaviours

Megan Richards, Partner, Minter Ellison Rudd Watts

OR

Successfully managing drug, alcohol and other addiction issues in the workplace

- Examining employer obligations and duties around drug and alcohol testing in the work place
- Implementing policies that are legal and meet the required guidelines
- Understanding the relevant case law and looking at practical examples

Amanda Douglas, Partner, Wynn Williams

BREAKOUT SESSIONS END

2.50 Afternoon break

3.20 Panel – Practical advice for making it work - strategies from the coal face

Learn practical strategies for working within today's changing employment law landscape from our panel of employment relations specialists

- What to expect when negotiating with unions and strategies to use to get it right
- The practicalities around implementing an investigation or mediation

- Highlighting practical situations from the coal face and using common sense

Tony Teesdale, Managing Director, Teesdale Associates

Anna Jones, Associate Director, Three60Consult

Further panellist to be confirmed

4.10 Closing remarks from the Chair and end of conference

WORKSHOPS

Register today for one or more of these separately bookable workshops

DEVELOP YOUR SKILLS FURTHER WITH APPLIED PRACTICAL LEARNING IN OUR WORKSHOPS

PRE-SUMMIT WORKSHOP 4 MARCH 2019 | HALF DAY

WORKSHOP

1

9.00-12.30 | 4 March 2019

Strategic processes for restructure and 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 is to reduce risk and retain talent is to redeploy staff. In this class 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 role and working collaboratively with staff
- Managing employee grievances and conflict of interest during selection process
- Avoiding pitfalls and dealing with risk

June Hardacre, Senior Associate,
Minter Ellison Rudd Watts

WORKSHOP ②

1.30 – 5.00 | 4 March 2019

Conducting a sufficient investigation particularly with respect to harassment & discrimination complaints

Investigations represent an opportunity to deal with significant employment issues but also present a significant risk to both you and employees if conducted incorrectly. With significant increases in complaints likely in an environment of heightened awareness post-Weinstein, this workshop gives you practical lessons on how to conduct a proper and thorough investigation with insight and sensitivity, avoiding making a costly mistake during the process

- What constitutes “sufficient investigation” in the eyes of the Employment Court and what scope and detail do you need?
- A step-by-step guide to putting together an employee investigation - Special considerations in conducting an investigation over sensitive claims - Special protections for both the complainant and employees involved in the investigation
- Developing questioning skills and conducting interviews
- Taking things seriously? What constitutes the subject matter of a complaint – when is a threshold to act reached?
- How to walk the minefield of conflicting information and misleading answers
- Avoiding wasting time in the investigations process
- Consulting with staff and adequately explaining the situation - Balancing need to know vs privacy considerations
- 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
- Concluding and communicating the investigation

Rosemary Wooders, *Senior Associate*, Bell Gully

WORKSHOP ③

9.00 – 5.30 | 4 March 2019

Masterclass – Practical components of HR practice

A practical workshop covering four core components of HR practice. All sessions will include considering a fictional fact scenario to promote discussion and sharing of ideas.

How to: run a performance management process

A practical interactive session covering:

- The core legal components
- Formal versus informal performance management
- How and when to put a performance improvement plan in place
- Justification and what to consider when reaching decisions
- Common mistakes and how to avoid them
- Strategies for dealing with difficult situations

How to: manage your obligations when restructuring

A practical interactive session covering:

- Getting your business case right
- Consultation requirements
- Selection criteria and redeployment obligations
- Legal/Business impact if process goes wrong
- Common mistakes

Jessie Laphorne, *Partner*, Duncan Cotterill

How to: run an effective workplace investigation

A practical interactive session covering:

- When to investigate and how to get started
- The golden rules
- Interview techniques
- Tips on effective report writing
- The tricky issues and how to deal with them.

How to: run an effective disciplinary process

A practical interactive session covering:

- Key legal requirements
- When and how to suspend
- Justification and what to consider when reaching a decision
- Common pitfalls and how to avoid them
- Dealing with road blocks (typical strategies used by employees and their representatives)



INDUSTRIAL & EMPLOYMENT RELATIONS SUMMIT

Examining and reviewing the latest significant employment law changes

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