



NEWSLETTER

Welcome



Welcome to July's Newsletter.

Thank you to everyone who came along and participated in June's Seminar. There was an excellent turnout.

If you were unable to attend, but would like a copy of the notes, please email kay@chapmaner.co.nz.

Website Relaunch. We are pleased to announce the relaunch of our website. We have included information on the services we offer, FAQs and our Newsletters. We hope you enjoy it and find it useful. Please visit us at www.chapmaner.co.nz.

Competition Regional Finalist

Chapman Employment Relations were delighted to be selected as one of three regional finalists for the ANZ Flying Start Business Plan Awards.

Entering required submission of our strategic objectives and business plan. It is great to have external acknowledgement that we have a sound business plan. Thanks to Kieron Goodwin, Business Coach, for his assistance with putting the plan together.



Employee's Loose Lips Lose Settlement Money

This Employment Relations Authority case was a win for a local employer, and involved an employee learning a hard lesson about keeping confidentiality.

Diana Henry and her former employer The Warehouse (Motueka), had reached a mediated settlement which included the employer paying \$2,500. It was subject to the usual confidentiality requirements. Prior to being paid the agreed amount Ms Henry went into the Warehouse, and while purchasing some items, commented to the checkout operator that she had "won" her case against The Warehouse. This was reported to the manager who then refused to pay the compensation on the basis that Ms Henry had repudiated the

agreement by her breach. Ms Henry denied saying 'she had won' to the Checkout Operator.

The employee raised a grievance seeking payment of the settlement amount, and The Warehouse counterclaimed for a penalty of \$5,000 for breaching the confidentiality provisions of the settlement agreement.

Excluding the advocates and mediator the only two people that knew the outcome of the mediation were Ms Henry and the Manager. At the mediation the Manager had made it clear that confidentiality was an important aspect to agreement to make a payment as he was concerned about the impact of this knowledge on his staff. The Authority concluded that it was improbable the Manager had said anything to the Checkout Operator and therefore the source of the information must have been Ms Henry.

The Authority said this was a breach of the term of the settlement by Ms Henry and therefore the agreement was repudiated and Ms Henry was not to receive the \$2,500 compensation payment. In relation to The Warehouse's counterclaim for a penalty of \$5,000 the Authority concluded that Ms Henry's breach was not 'deliberate or wilful', but rather 'unthinking and perhaps foolish.'

Therefore the penalty was not applied. This case is a good win for all those employers concerned about the terms of settlement agreements remaining confidential, and supports making payment terms subject to confidentiality and considering part payments spread over a period of time.



Work Drug Policy and Legal Highs

You may need to reconsider your Drug and Alcohol Policy with the advent of legal synthetic cannabis products such as Kronik, Spice, K2, Dream and others. The majority of policies identify illegal drugs as a problem, with the intent of not encompassing prescription and over the counter medications, but they don't specifically address other behaviour altering legal drugs. Reports are suggesting legal synthetic cannabis products are as much a danger to safety in the workplace as their illegal counterparts.

Employers are legally obliged to take all practicable steps to ensure safety. Therefore, if you haven't already done so, you need to consider updating (or implementing) your Drug and Alcohol

Policy to include the use of legal drugs. Methods for detecting synthetic cannabinoids have recently been developed and can now be included in the tests you ask for.

As of yet there are no scientific studies on the effects of synthetic cannabis, although it is widely reported that the effects are similar to those of marijuana.

If you need assistance with updating or implementing a Workplace Drug and Alcohol Policy, please contact us.

Employee Justifiably Dismissed for Bad Mouthing Employer

An employee who challenged his dismissal for bad mouthing his employer to a client has had his personal grievance declined by the Employment Relations Authority (ERA).



The employee, Mr Steele, was a Senior Sales Engineer for Steelpipe Ltd. Mr Steele was on regular sales call to the Director and co-owner of a Timaru client when he unwittingly pressed a 'speed dial' button on his phone. This button connected him to his Manager, Mr Carr, in Auckland.

Mr Carr answered the call, and was unable to get the attention of Mr Steele. He then listened to 20 minutes of the

conversation between Mr Steele and the client.

Mr Carr heard Mr Steele criticise the company's operations manager, the quality of the company's services and products, and gave the client suggestions on how they could resolve a commercial dispute they had with Mr Mr Steele's employer, on terms less favourable to his employer. Mr Steele was not authorised to discuss this with the client.

The employer dismissed Mr Steele saying his comments were serious misconduct. Mr Steele raised a personal grievance saying his dismissal was unjustified, and sought reinstatement, lost wages and compensation for hurt and humiliation. His view was that the conversation was a personal discussion between two friends, and not for business purposes.

The ERA rejected Mr Steele's explanation, agreeing a fair and reasonable employer would have dismissed in the circumstances, and concluded by saying, "Mr Steele's conduct was plainly disloyal and contrary to Steelpipe Ltd's business interests."



Seminars and Training

See page 3 for August's Free Seminar details. There is also information on courses run by Cher Williscroft of Conflict Management Ltd, and Keith Vaughan of KV Consulting.

CHAPMAN
E M P L O Y M E N T
R E L A T I O N S



AUGUST FREE SEMINAR

**PROTECT YOUR BUSINESS WHEN AN
EMPLOYEE LEAVES**

**WHAT YOU SHOULD DO WHEN AN
EMPLOYEE RESIGNS IN THE HEAT OF THE
MOMENT**

CASE LAW UPDATE

A Presentation and Discussion Covering

Restraints of Trade, Confidentiality and Non
Solicitation Clauses

The Steps to Take when an Employee Resigns in
Anger

The Latest Employment Authority and Court Cases

Book your place now!

Tuesday 23 August 2011, 9am start - 10.30am finish

Harcourts Auction Rooms, Buxton Square, Nelson

RSVP Tuesday 16 August 2011

Phone Kay on 03 545 0877 or email kay@chapmaner.co.nz



WORKSHOP

**Courageous Conversations
by Cher Williscroft**

**Tuesday August 30th 9am- 5pm
Fellworth House, Nelson**

Cher Williscroft Managing Director of Conflict Management Ltd will present this workshop on communicating well in difficult situations that require respectful honest communication. You can expect to be more comfortable communicating with someone who you have a difference with while preserving your relationship. You will learn practical, tried and true methods to break through tricky situations and prevent further conflict. You will overcome barriers to facing up to conflict. Everything you learn will be applied to your own real life situations at work with peers or workmates, staff members who report to you, or your bosses. The skills will apply equally with neighbours, friends, and family.

Build your knowledge and confidence to have those conversations you would rather avoid or those that escalate out of control or you regret. Deal with sticky situations, people who you find difficult, personality clashes, communication breakdowns, or miscommunications or simply reduce conflict in your life.

\$200 plus GST per person. Maximum 9-10

The fee includes a short telephone interview, workbook, 7 hr course, morning and afternoon tea.

Enrolments: email cher@conflictmanagement.co.nz

If you wish to speak to Cher about the course call 03 5452567



COURSE: MANAGING STAFF PERFORMANCE

MANAGERS

Constantly dealing with staff issues?
Frustrated with non-performers and/or unacceptable behaviours?
Tired of constant workplace problems?

Half day workshop (without role play)

Providing practical proven strategies - to assist staff to take responsibility for their performance

Thursday 1 September 2011, 1.00pm - 4.30pm

Tahuna Function Centre, 70 Beach Road, Tahunanui, Nelson

Cost: 1 participant \$190 + GST (pp)

3 participants + \$160 + GST (pp)

(the 3 do not need to be from the same organization, but only one organization to be billed)

Apply & enquiries to: keith@kvconsulting.co.nz