



NEWSLETTER

Welcome



Welcome to the first newsletter of Chapman Employment Relations Ltd. The purpose of this monthly Newsletter is to keep you up to date with the latest happenings in employment legislation, Employment Authority and Court cases, and any other matters that may affect you, your employees and your business.

Please provide feedback and suggestions for any topics you would like to see covered in future editions to kay@chapmaner.co.nz.

In the meantime I hope you enjoy this edition and learn something that is of benefit to you and your business.

Redundancy Tax Credit

The last day for redundancy payments to qualify for the redundancy tax credit is 31 March 2011. Redundancy payments made on or after 1 April 2011 will no longer be entitled to this tax credit.



The Employment Relations Act 2000 - Changes

There are some great changes in the Act for employers. Plus a couple of not so great ones. The best relate to trial periods and personal grievances.

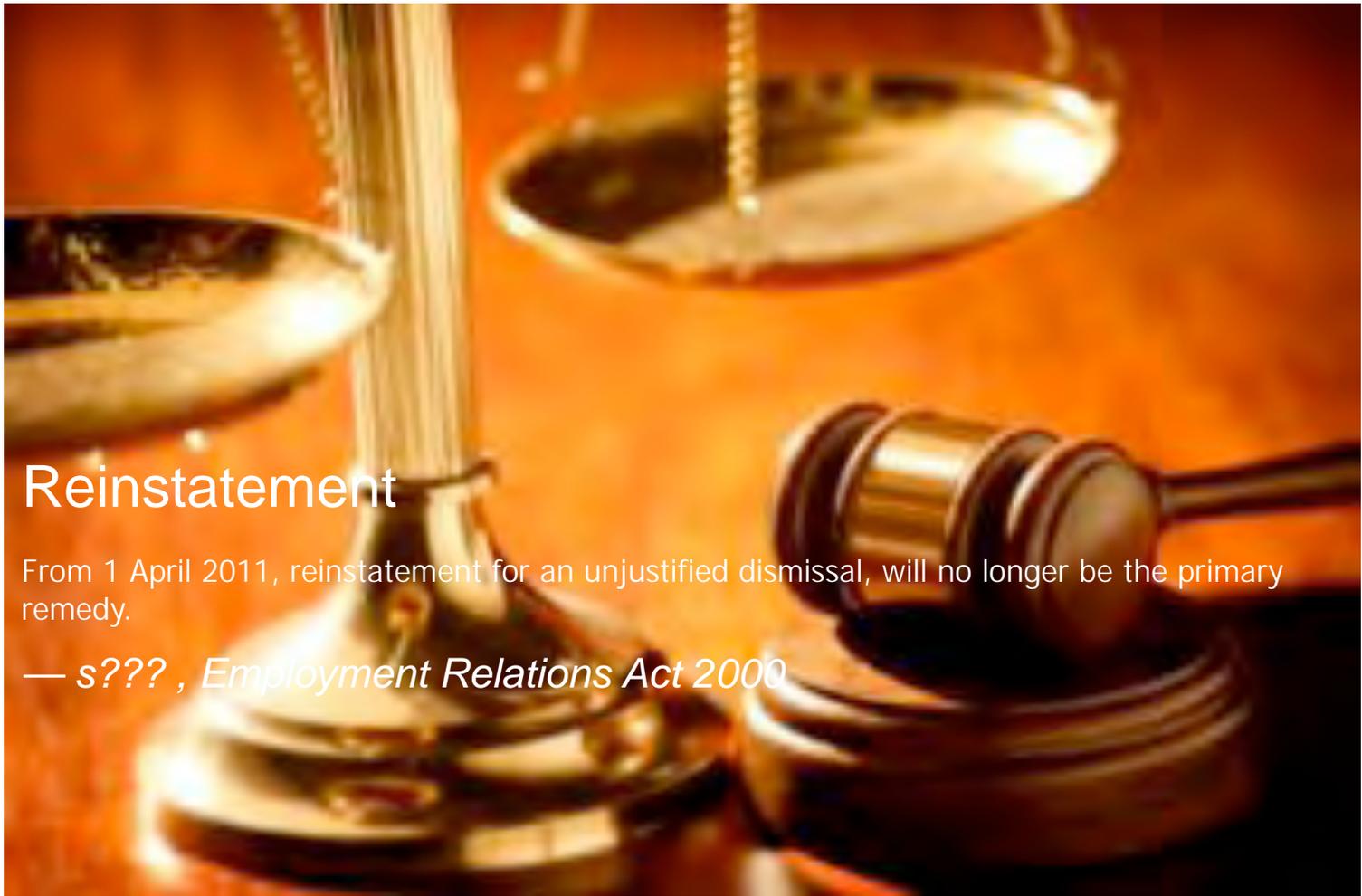
The **90 day trial period** is extended to all employers from 1 April, noting that the term must be specified in writing and signed by the employee prior to employment beginning, and it only protects the employer from a personal grievance for the dismissal. A grievance can still be raised for unjustified disadvantage, discrimination,

The **test for personal grievance** claims is changing from ...what a fair and reasonable employer would have done... to ...could have done. This is a significant change as it increases the range of possible circumstances when it is justifiable to take action with an employee.

Reinstatement will no longer be the primary remedy for personal grievances. For some employers when considering the risk profile of taking action in less than ideal circumstances, the removal of reinstatement as a risk will greatly assist the decision.

A dismissal or action can no longer be deemed unjustifiable because of **minor defects in process** or it did not result in **t h e employee being treated unfairly.**





Reinstatement

From 1 April 2011, reinstatement for an unjustified dismissal, will no longer be the primary remedy.

— s???, *Employment Relations Act 2000*

The next big winner is the new ability of the Employment Authority and Court to dismiss **frivolous or vexatious** claims. A case is frivolous if it has no reasonable chance of succeeding, and is vexatious if a party initiates something maliciously which has little chance of succeeding.

Changes that are less than ideal are the primarily around **Employment Agreements**. Each time you offer a variation to an Employment Agreement it is necessary to provide the whole agreement to the employee - not just the part that is to be varied - and advise the employee that they can seek independent advice for the whole agreement.

The employer also must not only retain copies of all Employment Agreements

(from 1 July) but also intended Agreements even if they are not agreed to or signed.

There are a number of other changes including provisions relating to union access to workplaces and communication during bargaining.

If you would like to know more turn to page 3 for details of a free two hour seminar on the changes to the Employment Relations Act 2000 and the Holidays Act 2003.

The Holidays Act 2003 - Changes

Most of the changes to the Holidays Act 2003 that were recently passed by Parliament, come into effect on 1 April

2011. There are several new and altered provisions. The key changes relate to:

- An alternative calculation to Relevant Daily Pay - Average Daily Pay.
- Cashing up the 4th week of annual leave.
- Transfer of Public Holidays.
- Alternative Holidays.
- Medical Certificates for absences.
- Public Holidays during a Closedown

To find out more you can attend the free seminar detailed on page 3, or if you can't make it email me for a copy of the handout.



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



**Employment
Law Changes**

Free Seminar

You need to know about the changes to the Holidays Act 2003 and the Employment Relations Act 2000, and the effect they WILL have on your business.

As an employer you are invited to this 2 hour seminar on these wide ranging changes.

This seminar is designed to provide you with a detailed update on key aspects of the changes. You will also have the opportunity to ask plenty of questions, not only about these changes but about general employment matters.

If you employ people you need to know about these changes because they WILL affect your business.

Book your place now!

Thursday 14 April 2011
Harcourts Auction Rooms,
Buxton Square, Nelson
9am start
11am finish

RSVP Monday 11 April



To Book

email

kay@chapmaner.co.nz

Or Phone 03 545 0877

