



N E W S L E T T E R

Welcome



February already! As we speed towards the end of February it's business as usual once again, and with that in mind it's time for us to put pen to paper.

In our Christmas email we advertised our free February seminar scheduled to take place on Tuesday 28 February. Unfortunately we have since needed to change this date to **Tuesday 6 March 2012**. We have been in touch with those of you have signed up already and hope that you can make the new date. See more details about the content of this Seminar at the end of this Newsletter.

Key topics are especially relevant for People Managers - addressing issues

with employees can feel like a minefield and this seminar will provide practical, down to earth tips to keep you on the the right side of the law and help your confidence in tackling issues head on.

Another 3 Years with John Key at the Helm - What This Might Mean for Your Business

The tail end of 2011 heralded John Key's National government being elected for a further 3 year period. Employment relations is a common "moot point" between the left and right of the political spectrum, and election campaigns are often built on what will be achieved for employers and workers under their rule.

National's stated intentions pre-election didn't reflect a significant change in direction; rather an ongoing gradual reform of union related parts of the Employment Relations Act. As a general rule there is intent to bring more flexibility in to the labour market in order to create jobs and build a stronger, more competitive economy.

On a practical level this will likely impact specifics such as the ease of hiring new staff, helping resolve workplace disputes more quickly and providing more choice for employees. Some specifics are

outlined below as they may impact your business.

- It is proposed to end the "30 day rule" whereby new employees are required to be covered by the terms of a Collective Agreement (if you have one), and instead allow new employees to have a grace period before deciding whether to sign a collective agreement and join the union.
- It is further proposed that employers be allowed to opt out of a Multi-Employer Collective Agreement.
- It is intended that flexible work arrangements be made more accessible, with the removal of the formal application process currently demanded and opening up the opportunity to all employees, not just those who have "caring" responsibilities.





Security Firm Slips Up on Consultation

In December 2011 the Employment Relations Authority dismissed an appeal lodged by Rush Security Services Limited (RSSL), following an initial finding of unjustifiable disadvantage to former employee, Mr Coverdale. In September 2009 RSSL advised Mr Coverdale and a fellow Security Control Room Operator that their positions were being disestablished. This occurred two days after a new Trainee had started work performing exactly the same role - an employee subsequently retained by RSSL, justified on the basis of his previous work experience.

In the weeks leading up to these changes RSSL had introduced a new telephone routing system that removed all technical scheduling work to another department - so it could be reasonably expected that reduced workloads would exist for the Security Control Room team.

RSSL claimed its decisions were made honestly, and that any adverse effect on employment requiring consultation, as a result of this decision, was not foreseen.

The Authority found RSSL's decision to disestablish the two positions to be predominantly for genuine commercial

reasons, however also determined that their failure to consult with Mr Coverdale and consider alternative positions a significant issue. It was deemed that RSSL had a statutory obligation to allow affected employees the opportunity to comment on the proposal to employ a Trainee before the appointment was made. Had this occurred it was deemed likely that Mr Coverdale would have persuaded RSSL of the adverse consequences of the decision to appoint a third employee where there was no demand.

RSSL's actions were not therefore deemed to be those of a fair and reasonable employer, and the appeal dismissed. This is a useful case for employers to keep in mind as they consider potential business changes alongside recruitment needs.

Did you know that ...

- The elephant is the only animal with 4 knees.
- The percentage of people dreaming in black and white started decreasing after the spread of color TV.
- In China some believe that swinging the arms cures headaches.
- Laughter is a proven way to lose weight.
- The humming bird is the only bird that can fly backwards.
- An olive tree can live up to 1500 years.
- Ants never sleep.
- The human brain is 80% water (in some people I think it is more).

Beware the Lure of Sweethearting on the Job



Ms Osborne, a former Department Manager has failed to be reinstated and compensated to the tune of \$30,000 following her dismissal from Farmers after abusing staff discount privileges. Ms Osborne was terminated after the company investigated claims that she used her staff discount to buy items for a family member.

On 11 February 2010 Ms Osborne used her staff discount card to buy four bottles of Brut body spray, a nightgown and a dressing gown, totaling \$98.10. Another Department Manager processed the sale and originally denied the purchase because Ms Osborne tried to use her father's Eftpos card to pay for the goods. Farmers' employees can be terminated for buying goods on behalf of a friend or family; conversely purchases for personal use or gifts for others are allowed. Ms Osborne's actions were deemed to be "sweethearting" - where employees use their staff discount card to buy goods for friends who have picked out the items.

Being dismissed for the princely purchase price of \$98.10 may seem harsh, however from an employer perspective provides reassurance that internal codes of conduct and policies do hold weight in the face of employee challenge as long as the employer runs the process correctly and fairly.



MARCH FREE SEMINAR



In 2010 a university research team polled more than 1700 New Zealand workers asking how frequently they were exposed to "negative acts" at work. 17.8% of respondents were identified as victims of bullying - one of the highest rates in the world. The bullying "label" can be challenging for employers - taken the wrong way a discussion about performance may be perceived as a "negative act". Come to our Seminar in February 2012 and hear a down to earth view on how to have conversations with employees without fear of a subsequent bullying allegation. Also on the Agenda is a thorny topic for many employers - when is an employee entitled to bring a support person with them to a meeting? Rounding the session off will be the regular case law update.

Date and venue details below:

BOOK NOW

**Tuesday 6 March 2012, between 9.00 and 10.30am
Upstairs at the Vic Brew Bar, 281 Trafalgar Street, Nelson**

**To secure your place call 03 545 0877, or email lynda@chapmaner.co.nz
Please RSVP by Friday 24 February 2012**

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