

Employment Law Essentials 2012

The workshop offers a complete and practical overview of current employment law from the commencement to the finish of the employment relationship. The workshop is designed for employers and managers to translate employment law into easy to understand information which can be applied in the workplace. Lunch and materials will be provided.

1 Pre-employment and New Employees

- The importance of pre-employment questionnaires and the job interview
- How to make an offer of employment
- Understanding the different types of employment relationships – permanent, fixed term, casual and engaging independent contractors
- Understanding the legal requirements for employment agreements under the Employment Relations Act
- Using trial and probationary periods
- Negotiating in good faith
- The importance of policies

2 Performance Management

- What constitutes poor performance?
- Understanding the importance of having the right HR policies and processes in place
- Setting expectations and consequences
- The disciplinary process – step by step

3 The Disciplinary Process and Dismissing Employees

- The importance of the employment agreement and how to apply your own processes and policies
- Can I dismiss or not? Understanding what conduct is capable of justifying a warning or dismissal
- Following a fair process step by step
- Criminal matters, conduct outside work and pre employment events as grounds for dismissal
- Suspending employees
- Constructive dismissal and how to avoid it
- Rights on termination

4 Redundancy and Restructuring

- Understanding the key legal requirements for a genuine redundancy
- The obligation to consult
- Following a 'fair process' step by step
- Understanding the documents required
- The obligation to consider alternatives
- Carrying out a fair selection process
- Technical redundancies - employees' rights and following the right process
- Termination for redundancy - compensation and notice requirements
- Employment protection obligations

5 Leave under the Holidays Act

- Public Holidays:
 - Working out the entitlements of employees who do and do not work public holidays
 - The ability to transfer public holidays
 - Calculating 'Relevant Daily Pay'
- Annual Leave:
 - Calculating holiday pay
 - Paying holiday pay 'as you go'
 - Understanding the entitlements of employees who work irregular hours, shifts or on rosters
 - Understanding the overlap of annual holidays with other types of leave
- Sick and Bereavement Leave:
 - Managing sick leave

6 Dealing with Long Term Absences

- The importance of the employment agreement
- Understanding the right to request medical certificates
- The importance of medical information and the prognosis
- Following a fair process
- Ensuring health and safety
- Termination for incapacity/long term absence

7 Personal Grievances

- The grounds for personal grievance
- Understanding the personal grievance process – from submission to resolution
- Understanding the possible consequences of a personal grievance claim and the remedies available to employers
- The 'agreed' exit

8 New Developments

- An update on any new developments in employment law

