

New Employment Standards

A number of changes to employment standards legislation came in to affect on 1st April. If you haven't already checked that you comply we strongly recommend you do so now or contact us with any concerns you have.

Some of the key areas you need to make sure you have right include;

- **Hours of Work** – changes introduced aim to retain flexibility where it is desired by both employers and employees but also increase certainty by ensuring both parties are clear about the mutual commitment that they have made.

Employers must commit to a minimum hours of work and not expect employees to be available “when required”. Or if they do expect employees to be available there must be reasonable compensation outlined in the Employment Agreement

Employers are also now prohibited from placing restrictions on secondary employment unless they have genuine reasons based on reasonable grounds. Examples relate to the risk of loss to the employer of knowledge, property (including intellectual), commercial reputation or preventing a real and unmanageable conflict of interest.

- **Record Keeping Requirements** – new legislation reinforces employer obligations to keep accurate employment records and be able to produce them when requested by a labour inspector.

The Key requirement in the new legislation is that Employers should be able to produce a record of the number of hours worked by an employee each day in a pay period and the pay for those hours. There is flexibility as to what form you keep these records in. If your employee works regular hours each day for each pay then it is sufficient to have these hours set out in the employment agreement and not specifically recorded each day.

- **Parental Leave** – new legislation provides working families with far more support and greater choice in the way they manage caring for their new children and staying connected with their workplace.

The main changes to Parental Leave were covered in our last newsletter. If you would like more information please let us know.

Now is the time to be checking your individual employment agreements and making sure you comply with all legislation changes. You have 12 months to update any existing agreements but all new agreements must now include the changes.

A couple of other changes that occurred on 1st April were the increase in minimum wage and the decrease in ACC Earner Premium from 1.45% to 1.39% which means a small tax reduction for Employees. If you haven't updated your payroll with these changes you must do so now!

If you struggle to keep up with all the changes around payroll for your staff we offer a great payroll service and can give you the piece of mind knowing you have things right. Contact us know for more information – Kate.Kennedy@dodd.co.nz

Wine Announcement

Congratulations
**Emily from Canaan
Wholesale Limited**
you are the latest winner
of DAA's monthly wine
draw!

To be in to win next
month simply pay any
invoice within 10 days of
the date issued, it's that
simple!



CHARTERED ACCOUNTANTS

Hardest Job Ever:

Working in a
bubble wrap
factory. Imagine the
self control needed.

Investigating a Staff Member

A recent case before the Employment Relations Authority shows just how easy it is to get things wrong when it comes to staff investigations. Whilst the case involved a sleeping employee the principles apply to any situation involving an employee.

A Taranaki hotel porter fired after falling asleep on the night shift won the case from her former employer for unfair dismissal.

Mereana Taylor was the only person on duty while about 40 guests were checked in at Tennent Hotels Limited's Devon Hotel in New Plymouth in May, 2014. A few hours into her shift, which started at about 11pm, she sat down on a couch and dozed off.

She was found by kitchen staff on the morning shift after having to call their boss to let them into the building. She was dismissed a week later.

The Employment Relations Authority found she had probably been asleep for less than two hours.

Tennent Hotels told the authority Ms Taylor's actions were serious misconduct - because they compromised security, health and safety of guests - and merited dismissal. But she told management she had been feeling unwell, had a sore back and needed to lie down.

The authority said a meeting during which Ms Taylor was given a formal warning was not fair because she wasn't given time to prepare. They also said an email sent from managing director Peter Tennent to the general manager - in which he called the nap "unacceptable" - had prejudiced the investigation into Ms Taylor's conduct.

"Mr Tennent had predetermined that she had been asleep before he had spoken with her," the authority said.

"I have reservations over the extent of the investigation carried out and whether Ms Taylor's claims of her sore back or collapsing or fainting were explored at all as they appeared to have been quickly discounted."

He ordered the hotel to pay Ms Taylor three months wages and also sum for hurt and humiliation, totalling just under \$5500.

A key message from this case is that if you have any situation involving an employee which is of a serious nature that you follow the correct procedures and that you do not predetermine the outcome before you start. This and numerous other cases make it clear that any variance from correct procedures can lead to an expensive payout and most businesses cannot afford the time and money to fight cases like this.

If you are uncertain the correct procedures (and documentation) to follow we recommend seeking specialist advice from either an employment lawyer of the Canterbury Employers Chamber of Commerce.

New Staff Member: Casey Gousmett

DAA is pleased to announce the appointment of Casey Gousmett to our valued team as our graduate accountant. Casey comes to DAA with a strong Bachelor of Commerce with a double major in accounting and finance from Lincoln University. Casey has a keen interest in small business and farm accounting. Casey will be supporting Kerry with our farm accounting clients and with our media spot on "On The Land" which is produced for farmers. She will also be assisting our small business clients with their tax and accounting needs. Casey has an interest in rugby league where she is a strong, loyal and long suffering supporter of the New Zealand Warriors.



Survey Initiative

We are pleased to announce that we have launched a new initiative around surveying.

Here at DAA we take pride in the work that we perform for our clients and always welcome any feedback that people wish to share with us.

With that in mind we have developed an anonymous survey for all clients at <https://goo.gl/1hDsLq> where you can rank us and tell us the good and bad of our service.

As we undertake work for you we would welcome your participation in our survey.

As a reward for completing the survey we will make a donation to one of three charities.

info@dodd.co.nz www.dodd.co.nz

11 Picton Avenue · PO Box 42113 · Christchurch · 8149

