



**June 2010**

**HR KNOWHOW  
WHAT'S NEW**

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**Statutory Holidays and Mondays**

The question of Mondayising Anzac Day and Waitangi has reared its head again with the Engineering, Printing and Manufacturing Union looking to seek more pay for workers if statutory holidays fall on a weekend.

When Anzac Day was declared a public holiday, it was specified that everything had to be shut, and in 1949 legislation was passed forbidding the Mondayising of the day. The notion was that it would be wrong to treat such a solemn occasion as just another holiday. If such were the case, it could lose some of its significance.

The view persists in some quarters today. The Returned and Services Association National Executive has just revisited the issue, having noted that six of the eight Australian States except Tasmania and Victoria have Mondayised Anzac Day.

Employees have benefited from a reasonably recent annual leave increase from 3 to 4 weeks at a considerable cost to employers. Moreover, the country is still feeling the effects of the recession with many businesses having exhausted their financial reserves. While we all would like the long weekends, it does not make sense to increase costs to employers at this time.

**Parental leave payment boost  
(as reported National Business Review June 9 Edition)**

“Parental leave for families with new babies will be increased next month, says Minister of Labour Kate Wilkinson.

From July 1 the maximum parental leave payment will increase from \$429.74 per week to \$441.62 per week. The minimum payment for self-employed parents will increase from \$125 to \$127.50 per week.

“Any increase in financial support for new parents is helpful,” Ms Wilkinson says.

“The number of New Zealand parents receiving parental leave payments continues to steadily increase, with well over 25,000 families getting assistance each year.”

The maximum rate of paid parental leave is adjusted every year to account for any increase in average weekly

earnings.

Parents eligible for the scheme are entitled to up to 14 weeks paid leave at a rate calculated on the basis of their average weekly earnings”.

This payment is not a cost to the employer but is a Government subsidised benefit.

### **Seek Professional Advice on Employment Issues**

Disciplinary action involving warnings or terminations requires a robust procedure which protects an employee from unlawful action by an employer. A good example of an employer getting it wrong is the case of GEOS New Zealand/David Page.

David Page, who was head of a multi-national English language school in Auckland was awarded \$190,000 after the Employment Authority dismissed claims he was used to being treated ‘the Japanese way’.

Page was demoted from the position of Regional Director at a conference in 2008 and made head of the company’s Auckland language centre. In April last year, he was fired by email after being given "one last chance" to make the school profitable.

The company claimed that Page "accepted understanding of the 'Japanese way' of doing business". They went on to say he was used to Kusunoki "ranting", "berating" and "humiliating" people "so this was nothing new".

But the Employment Relations Authority said the company's failings were "fundamental and profound".

Member Denis Asher said the final warning was "an unscrupulous exploitation of the earlier, unlawful demotion". Asher also said "an entirely unfair, unilateral process was applied" by the company in the decision to dismiss Page.

Page was awarded \$55,000 for loss of income, \$21,000 for hurt and humiliation, and \$31,849.99 for long service leave. The total amount, including superannuation, under-payment of salary, holiday pay and bonuses came to more than \$190,000.

We are very experienced in managing disciplinary matters and can assist employers who are concerned with either performance or behavior. The financial risks of getting it wrong are severe. If you need help please contact me on (09) 377 9891 or [sw@knowhow.co.nz](mailto:sw@knowhow.co.nz)

### **Health and Safety in Employment Act – Electrical Tools, Machinery and Appliances**

The Health and Safety in Employment Act requires employers to provide and maintain a safe working environment for their employees. Employers are required to take ‘all practicable steps’ to ensure the health and safety of their employees and others while at work by taking practical and reasonable actions to eliminate, isolate or minimise hazards within the workplace.

The Electrical Regulations 2010 states that tools can be considered safe where they have been “tag tested” or “the tool is supplied with electricity through a circuit protected by an electrically safe RCD (Residual Current Device) that provides protection from electric shock”. RCD’s are often known as “safety switches”. We have been advised that RCDs are more commonplace in new office buildings.

The frequency of the testing varies across industries and environments. The frequency of testing for an office environment is every 5 years.

A visible inspection of tools and equipment can also serve as a means of hazard inspection.

In the event of an electrical tool causing harm to an employee, and the employer has not undertaken steps to ensure the safety of the equipment in the workplace, the employer may be in breach of The Health and Safety in Employment Act and may face penalties under the Act.

Tag testing and visible inspection of tools and equipment are two ways employers can show they have taken practicable steps to maintain the safety of their employees and the workplace.  
If you do wish to tag test your electrical equipment please contact Beth or Kerry at KnowHow on 09 377 9891 for details of our preferred supplier.

## **Wood & Associates – Recruitment**

Wood & Associates provide recruitment services on the same basis as our HR Knowhow services. In large part, we will rely on our knowledge of you and your business and we will work hard to find people who are the right fit.

We will provide you with fee estimates for an assignment and we provide a significantly longer guarantee than is the norm.

If you would like to know more about our recruitment services, how we operate and the fee structure please call me, or my recruitment business manager, James Cozens on 09 358 2838 or contact us at [James@woodandassociates.co.nz](mailto:James@woodandassociates.co.nz).

## **Referrals**

We are very grateful to our clients who provide us with referrals. If you know of an employer who needs support in managing employment matters or perhaps needs Employment Agreements brought up to date please pass on our contact details or let us know and we will contact them to outline what we do.

Please do let us know if there is more we can do to assist you with your HR matters.

**Sylvia Wood**  
Director

**HR KnowHow – (09) 377 9891**

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[www.hrknowhow.co.nz](http://www.hrknowhow.co.nz)

**The Employer's Resource**

Employment Agreements, Company Policy and Procedures, Health and Safety Manuals/Systems Compliance, Restructuring, Redundancies, Managing Performance, Mediations, Dispute Resolution, Personal Grievances, Compliance, Termination

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