



The Human Resources Specialists

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HR KNOWHOW
WHAT'S NEW**

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Canterbury Earthquake Commemoration Day – Public Holiday

Minister of Labour, Kate Wilkinson has announced the unanimous passing of the Canterbury Earthquake Commemoration Day. This legislation will provide for 18 March 2011 to be recognised as Public Holiday for the Christchurch earthquake commemoration.

The entitlement to the Canterbury Earthquake Commemoration Public Holiday will apply to employees in parts of Canterbury that observe Christchurch Show Day as Canterbury Anniversary Day. The Earthquake Commemoration Day will be treated as a one off Public Holiday for the purposes of the Holidays Act. Employees will be entitled to be paid at his/her relevant daily rate in accordance with the Holidays Act.

Are you ready for the 90 Day Trial Period?

In 21 days all other employers regardless of staff size will be able to use the 90 day trial period for new employees from 1 April.

While the “opposition” argues that employers will hire and fire at will– we and you know that what employers want is someone who can do the job and fits with the team and the organisation. So far we have seen the 90 day trial period working well. Employees have been given opportunities that they may not have otherwise been provided and in the case of termination, employers are carefully considering whether to terminate or not.

In our experience this decision is sometimes left until the 89th day and by this time it can be too late to determine whether an employee is performing and whether he/she fits with the organisation.

We have taken onboard this feedback and developed a concise and simple tool to assist you through the first 90 days in assessing your employee's performance, skill level, interaction with the team, and the fit with

your organisation. This 90 Day Review can be undertaken at the end of the first and second months and then prior to the end of the 90 days. The review meetings are aimed to be kept brief.

While you would not be required to undertake reviews as part of applying the 90 day trial legislation, this induction process will make it clear to new employees what is required of them, identify any training needs, as well as increase productivity.

The requirement to act in good faith is a key and important part in applying the 90 day trial period. Setting clear standards and reviewing these with your new employees is good faith.

To summarise the key criteria in applying the 90 Day Trial Period:

- Agreed and included in the employee's employment agreement.
- Employment agreement must be signed before commencement of employment.
- 90 days from the commencement of employment (instead of 3 months).
- A reason must be provided if asked.
- Notice must be given before the expiry of the 90 days (although employment could continue beyond the 90 day period).
- Act in good faith.

Annual Leave Exchanged for Payment

From 1 April the parties can agree that 1 week of an employee's annual leave entitlement can be exchanged for cash. As this will apply to an employee's entitlement to annual leave, the payment can only be made where the employee becomes entitled to annual leave on 1 April 2011 or thereafter.

This will mean that employees who are entitled to 4 weeks leave in March 2011 will need to wait a year before the exchange can be made.

You do not have to agree to the exchange for payment.

If you are interested in discussing the 90 Day Review and would like our assistance with tailoring the review for your business or would like to discuss our March What's New please contact Helen Ewan on 09 377 9891.

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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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