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Changes to Employment Law Applying from 1 April

Follow is a brief summary of the law changes which will take effect on the 1st April 2011.

Whether you are an employer or an employee these could be important for you.

Employment Law changes coming, are you up to date?

We can help...



1. Employment Relations Act 2000 – Changes summary

Workplace visits by bargaining agents: Union representatives need to gain the permission of employers before visiting the workplace. Employers must respond within 1 working day after request is received. If no response from the employer after 2 working days, consent is deemed to have been given. A Penalty is imposed if employer denies consent without providing reasons in writing.

Communications during bargaining: Employers are able to communicate directly with employees while bargaining collective employment agreements.

Employment Agreements: There is now a requirement for employers to retain signed contracts and provide a copy of the terms and conditions of employment to employees upon their request. Terms and conditions to include full employee name, description of work, duties, remuneration etc.

Trial Employment period (90 days): Now extended to cover all employers regardless of the number of employees in the business (previously limited to those having 20 or fewer employees only.)

Personal Grievances: Reinstatement as a remedy to restore an employee to the situation they were in prior to dismissal – from 1 April this is **no longer the primary remedy**.

Extending the role and powers of labour departments inspectors

2. Holidays Act 2003 – Changes summary

Do you know how much annual leave your employees are owed?

Could “cashing up” of 1 week annual leave work well for your business?

Need a simpler more cost / time efficient payroll system?

We can help...

Phone Lindsay and Team on
(03) 477 8777

Cashing up of 1 weeks annual holidays:

- Only Employees can request a maximum of 1 week's Annual leave to be paid out. Must be in writing and the value must be the same as if the employee had taken the leave.
- If the employer incorrectly pays out a portion of the employee's annual leave **where the employee did not request it**, the employee is still entitled to take the portion of the annual holidays concerned and keep the money.
- Not applicable to any annual holidays accrued before 1 April 2011.

Public Holiday Observance: Employers and employees are **able to agree on the observance of public holidays on other working days** to meet business / individual needs:

- Public holidays transferred must be identified and must otherwise be a working day for the employee.
- The day it is being transferred to must be identified.
- The purpose for transferring cannot be to avoid paying employees time and a half for working, or providing then with an alternate holiday.

Sick Leave: Employers can request a sickness certificate (Doctor's Medical certificate) at any stage but if this is required before the completion of 3 consecutive sick days, the employer must agree to meet the associated costs.

Records: To be updated and kept for all holiday / leave etc including copies of agreements to transfer holidays or annual holiday cash outs.



Our team deal with multiple employment structures on a daily basis.

If you have a question or would like more information on a particular issue, please feel free to contact the Impact Consulting & Accounting team on (03) 4778777.

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