

13 - 14 MARCH 2024, GRAND MILLENNIUM, AUCKLAND

● 38<sup>th</sup> Annual  
**ier** | INDUSTRIAL &  
EMPLOYMENT  
RELATIONS  
SUMMIT

Analysing the key changes, legal and employment updates to ensure success for your workplace



**DR ANDREW DALLAS**  
Chief of the Employment  
Relations Authority



**CHRISTINA INGLIS**  
Chief Judge,  
**Employment Court of  
New Zealand Te Kōti  
Take Mahi o Aotearoa**



**KERRI NUKU**  
Kaiwhakahaere,  
**New Zealand Nurses  
Organisation**



**ANDREW BHIMY**  
General Manager People  
and Strategy,  
**Public Trust**



**JESSIE LAPTHORNE**  
Partner,  
**Duncan Cotterill**



**TROY WANO**  
Partner,  
**Govett Quilliam**



**GREG CAIN**  
Partner,  
**Dentons Employment**



**KYLIE DUNN**  
Partner,  
**Russell McVeagh**

### KEY UPDATES AND TOPICS

- Reviewing how industrial and employment relations initiatives and developments will change under a new government
- Tikanga and te ao Māori in employment relations
- Addresses from the Employment Relations Authority
- Recent case law from the key topics and aspects of employment relations

**PLUS**  
4 separately  
bookable  
workshops

## REASONS TO ATTEND

- Examining and understanding the key changes occurring in the ER landscape
- Networking opportunities to meet and connect with HR and ER professionals
- Discussing the best policies and practices to align with employment law

## 4 SEPARATELY BOOKABLE WORKSHOPS

12 MARCH 2024

### Ensuring discipline is done correctly



**Johanna Drayton**  
Partner,  
Dyhrberg Drayton  
Employment Law

1

12 MARCH 2024

### The importance of tikanga and te reo Māori

*Facilitator to be confirmed. Please check online for the latest update*

2

15 MARCH 2024

### Reviewing the impacts of medical incapacity



**Tasha Ioelu**  
Senior Solicitor,  
Buddle Findlay

3

15 MARCH 2024

### Walking the tightrope - conducting investigations successfully



**Maria Dew**  
Kings Counsel,  
Britomart Chambers

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# 38<sup>th</sup> Annual ier

INDUSTRIAL &  
EMPLOYMENT  
RELATIONS SUMMIT

The 38th Industrial and Employment Relations Summit is a must-attend event for all involved in human and employment relations, legal experts and senior management. This event is essential to understand, analyse and discuss legislative change, recent case law outcomes and proposed changes implemented by the new government. These topics, insights and updates on employment law and industrial relations will be delivered by expert speakers and facilitators with informative sessions on how the landscape will change.

## EMPLOYMENT LAW EXPERTS SPOTLIGHT



**BLAIR SCOTLAND**  
*Partner,*  
Dundas Street



**JENNIFER MILLS**  
*Director – Head of Practice,*  
Jennifer Mills & Associates



**JUNE HARDACRE**  
*Partner,*  
MinterEllisonRuddWatts



**FIONA MCMILLAN**  
*Partner,*  
Lane Neave

## HEAR EXPERTISE FROM ORGANISATIONS INCLUDING

WYNN WILLIAMS

Russell  
McAugh

BUDDLE  
FINDLAY

Stay Legal Immigration  
Law Firm

m<sup>c</sup>veagh.fleming

lane neave.

dundas street

MinterEllison  
RuddWatts.

Jennifer Mills & Associates

Duncan Cotterill

Govett Quilliam  
THE LAWYERS

DENTONS

chapman  
tripp

Public  
Trust

BELL GULLY

**8.30 Registration****9.00 Welcome from the Chair****9.15 Ministerial Address: The Industrial & Employment Relations Future – Achieving the correct settings**

At the start of a new term of government, we invite the Minister to outline the future scape against which organisations will operate.

*The Minister of Employment will be invited upon the commencement of the new government term*

**9.50 Reactions to new Industrial & Employment Relations initiatives, promised developments or repeals**

This session reacts to the formation of the new government term and addresses initiatives that have been highlighted for change during the campaign.

- Fair pay
- Collective bargaining
- Changes because of immigration settings changes
- Seasonal workers
- Smoothed pathways for targeted sector workers

**Employer Panel – Andrew Bhimy, General Manager People and Strategy, Public Trust**

**Union Panel – Craig Harrison, National Secretary, Maritime Union of New Zealand Incorporated  
Daryl Carran, National Secretary, NZ Meat Workers & Related Trades Union**

**10.50 Morning break****11.20 From the Court – An address by the Employment Court Chief Judge**

**Chief Judge Christina Inglis, Chief Judge, Employment Court of New Zealand Te Kōti Take Mahi o Aotearoa**

**12.00 Working constructively with Unions**

- What employers need to understand about working with unions
- Understanding the processes and legal requirements involved in bargaining with unions
- Navigating discussions and collective bargaining with stalling pay equity and unknown financial outcomes
- Discussing how to find and act upon common ground

**Kerri Nuku, Kaiwhakahaere, New Zealand Nurses Organisation**

**Benedict Ferguson, President, Public Service Association Te Pūkenga Here Tikanga Mahi**

**12.45 Lunch****1.30 Tikanga and te ao Māori in the employment and ER setting**

- How to incorporate tikanga into the organisation and what are the benefits of doing this
- Understanding the responsibilities when incorporating tikanga and the impacts on policies within the organisation
- Understanding the obligations to the employee
- Can tikanga extend to employment process as well as policy?
- What changes are occurring in employment relations with the involvement of tikanga?
- What employers should and shouldn't be doing

**Troy Wano, Partner, Govett Quilliam**

**2.00 Modern slavery, worker exploitation, immigration, and appropriate work policies**

Migrant employees need to be carefully managed to ensure ongoing immigration law compliance. This practical session examines the Migrant Exploitation Protection Work Visa (MEPV), unpacks the accredited employer obligations under the Accredited Employer Work Visa (AEWV) scheme, and provides practical processes to manage common compliance pitfalls.

- Examining the Migrant Exploitation Protection Work Visa (MEPV)
- Understanding accredited employer obligations under the Accredited Employer Work Visa (AEWV) scheme
- Common compliance pitfalls
- Practical processes to consider

**Lauren Qiu, Principal, Stay Legal**

**2.45 Bullying in the workplace – running sensitive investigations**

- The rise of intimidation in the workplace
- Identifying harassment and bullying
- The correct processes when dealing with bullying in the workplace
- The importance of awareness of sensitivity to challenging behaviours
- Managing what options are available when dealing with vexatious allegations
- What an effective investigation looks like
- Managing the investigation and complaint to a successful conclusion

**June Hardacre, Partner, MinterEllisonRuddWatts**

**Bonnie Simmonds, Senior Solicitor,**

**MinterEllisonRuddWatts**

**3.20 Afternoon Break****3.40 The IER Health and Safety at Work Update – latest cases and law changes**

- Health and Safety Representatives and Committees Amendment Act 2023
- Safe workplaces and the employers' responsibilities to the worker
  - Whakaari
  - Ports of Auckland – officer prosecution
- What are the health and safety obligations of a company to the members of the public?

**Greg Cain, Partner, Dentons Employment**

**4.20 Managing Misconduct - Responding appropriately to the myriad range of behaviour to ensure procedural fairness and correct outcomes**

- Understanding the range of behaviours of misconduct that could justify disciplinary action
- The necessary steps to take around misconduct
- In a world where black and white rarely exist, how to navigate grey
- Recent case – taking the lessons, avoiding the traps
  - Mulqueen v Merino Story - unjustified dismissal – discussion of controversial topics with customers
  - Sloggett v Modern Transport Engineers Limited – unjustified dismissal – misconduct by removing company property

**5.00 End of Day 1**

**9.00 Welcome back from the Chair****9.10 From the Authority – An address by the Employment Relations Authority***Dr Andrew Dallas, Chief of the Employment Authority***9.40 Carefully preparing and managing a restructuring or redundancy process**

- Planning the challenges of the process across large groups or workplaces
- Understanding the processes involved in redundancy and restructuring
- Individual needs and rights in the process
- Complex issues and how to deal with them
- Lessons from recent case law
  - New Zealand Steel
  - AUT
  - Birthing Centre Limited

*Jessie Laphorne, Partner, Duncan Cotterill***10.20 Morning break****BREAKOUT SESSIONS BEGIN - DELEGATES CHOOSE TRACK 1 OR 2****TRACK 1****OR****TRACK 2****10.50 Constructive and unjustified dismissal – avoiding the mines**

- A reminder legally about what fair process looks like, and the key things practically managers should (and should not) do
- How past conduct can be shown in a different light when a dispute arises
- The balance between managing risk and getting to an outcome – is there always a PG just around the next corner?
- In what circumstances can an employer invite an employee to leave, if any?

*Hamish Kynaston, Partner, Buddle Findlay***10.50 Privacy and the security of confidential information and personal data**

- Ensuring security and privacy in the remote era
- Examining the proposed changes to the Privacy Act
- How will privacy and confidential information be affected by the increased use of generative AI?
- Collection of personal biometric data – how the growth in biometric data collection systems (eg, time and attendance keeping) is being handled by the Courts

*Rosemary Wooders, Partner, Bell Gully***11.20 Finding your workplace's 'new normal' - rights and obligations as you search for the correct balance in hybrid and remote work**

For employers who have worked through the significant workforce and workplace changes kicked up through the pandemic, some are still easing their way into "new normal". What is new normal, and what are the rights and obligations in the range of solutions being adopted – from "all back to the office" mandates through to "no office anymore"?

- The rights and entitlements of the employer and the employee
- How is remote work changing?
- Examining how employee relationships are being altered
- Discussing the impacts of hybrid work outside of 9-5
- What new issues are developing and how can these be avoided and effectively managed?

*Jennifer Mills, Director – Head of Practice, Jennifer Mills & Associates***11.20 Understanding changes in performance**

- How to measure performance
- When performance management/improvement should be initiated
- What does a compliant performance process look like?
- Distinguishing performance issues from other problems

*Kylie Dunn, Partner, Russell McVeagh*

### 11.50 Workplace communication – the impact of social media

- Separating personal and professional use of social media
- Examining the use of social media apps and the risk of miscommunication
- Preventing the use or misuse of group chats as a tool of bullying or harassment in the workplace
- Discussing the boundaries of employers viewing employees social media
- Understanding when an employee's commentary and social media posts can result in action from the employer due to reflection on organisation.

**Anthony Drake, Partner, Wynn Williams**

### 11.50 Controlling third parties – issues and case law update

- Defining what is a controlling third party and what is an employer
- Examining the limitations of a controlling third party and the contractual arrangements needed
- Understanding the boundaries when managing someone else's employees
- What are the risks of having a controlling third party involved with employees?
- Examples from recent case law involving controlling third parties

**Blair Scotland, Partner, Dundas Street**

## 12.20 Lunch break

### 1.20 Navigating employees' personal grievances

- Understanding the compensation that is involved with personal grievance cases
- What obligations to employers have to a personal grievance?
- What to be aware of with the Employment Relations (Extended Time for Personal Grievance for Sexual Harassment) Amendment Act?
- Updates on case law involved with personal grievance

**Melissa Johnston, Employment Partner, McVeagh Fleming**

### 1.20 ACC update – the latest legal, policy and procedural changes

- Discussing the current legislative changes that will impact ACC
- Understanding the updates on ACC policies and procedures
- How will these changes to ACC impact employers and employees
- What will the immediate future of ACC look like? How will it affect employers?

### 1.50 Independent contractors vs employees

- The continuing controversy over who is an employee and why it matters
- The Employment Court's decisions and the appeals: interpreting the recent case law on employment status
- Practical steps to reduce the legal risks when engaging independent contractors
- Can the Government or the courts deliver certainty?

**Charlotte Parkhill, Partner, Dentons Employment  
James Warren, Partner, Dentons Employment**

### 1.50 The changes to restraints of trade

- Ensuring your restraint of trade clauses are robust and enforceable
- Options for responding to employee restraint of trade breaches
- Key developments and trends

**Alastair Espie, Partner, Duncan Cotterill**

### 2.20 Medical incapacity process and procedures

- The difference between a lot of sick days and long-term injury or illness
- What do you need to justify termination for medical incapacity
- The process to terminate for medical incapacity
- Is there a different way to manage medical incapacity?

**Fiona McMillan, Partner, Lane Neave**

### 2.20 Violence in the workplace – policy, procedure, and practice

- The nature of the workplace and assessing potential risks for employers
- Navigating how to minimise risk and violence in the workplace
- Understanding the employer and employee responsibilities in association with violence
- Implementing the correct procedures and practices after an incident
- Ensuring the reporting system is in line with employment procedures and accessible to staff

**Helen Pryde, Special Counsel, Duncan Cotterill**

## 2.50 Afternoon break

### 3.10 How advancements in technology are impacting ER/IR roles

- Examining how generative AI and other now/near technologies are and will shape ER jobs – an insight into new tools that will support:
  - Greater power for compliance monitoring
  - Agreement and document creation
- How AI is predicted to impact jobs and the employment landscape – jobs and how jobs are done will rapidly change
- Analysing the impacts on data and the risks involved in integrating AI

### 3.50 Assisting and supporting employee's mental health

- What are the employers' responsibilities regarding employee mental health?
- Discussing what steps and processes should be undertaken when informed about an employee's mental health
- What can be implemented in the workplace to assist with employee's mental health?

**Vonda Engels, Special Counsel, Chapman Tripp**

## 4.20 End of Day 2

# WORKSHOPS

Register today for one or more of these separately bookable workshops.

12 MARCH 2024

9.30am-12.30pm

## Ensuring discipline is done correctly

- Discussing what can be implemented to prevent the need for disciplinary proceedings
- What are the key considerations when dealing in disciplinary proceedings?
- Examining when disciplinary processes and actions need to be taken
- Analysing key communication and listening techniques when talking to an employee
- Understanding what information needs to be communicated to the employee
- Discussing the errors made by other employers in disciplinary proceedings



**Johanna Drayton**  
*Partner,*  
**Dyhrberg Drayton**  
**Employment Law**

1.30pm-5.00pm

## The importance of tikanga and te reo Māori

- Analysing how tikanga has been incorporated correctly throughout the country
- Examining how employers have incorrectly implemented tikanga and how to avoid these mistakes
- Understanding the terminology and the employers' obligations associated with these words
- Discussing the importance of tikanga
- Outlining the processes and procedures

**Facilitator TBC**

15 MARCH 2024

9.30am-12.30pm

## Reviewing the impacts of medical incapacity

- Analysing what mistakes were made by employers in recent cases and what should have been done differently
- Discussing the responsibilities of the employer
- Understanding the role and duties of the employee
- Examining the processes and procedures involved with medical incapacity issues



**Tasha Ioelu**  
*Senior Solicitor,*  
**Buddle Findlay**

1.30pm-5.00pm

## Walking the tightrope - conducting investigations successfully

- Considering the strategy options for investigating;
- Discussing the procedures and problems in investigations;
- The increasing complexity and options for simplicity in investigations.
- The role of employers when an investigation is outsourced.



**Maria Dew**  
*Kings Counsel,*  
**Britomart Chambers**

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\*\*Delegates must be from the same organisation and book at the same time.

*Agenda Updates: The organisers reserve the right to make any amendments deemed to be in the best interest of the event. Programme content is correct at time of printing, please check online for any updates.*

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