



cullings is the newsletter of
**Cullen – the Employment
Law Firm**

Level 13, Willbank House
57 Willis St, Wellington
Phone 04 499 5534
Fax 04 499 7443
enquiries@cullenlaw.co.nz
PO Box 11 218
Wellington, New Zealand

Peter Cullen

Principal
peter@cullenlaw.co.nz

David Burton

Senior Associate
david@cullenlaw.co.nz

Rachel Burt

Associate
rachel@cullenlaw.co.nz

Richard Roil

Senior Solicitor
richard@cullenlaw.co.nz

Charles McGuinness

Solicitor
charles@cullenlaw.co.nz

Genevive Vear

Law Clerk
genevive@cullenlaw.co.nz

DISCLAIMER: This newsletter is intended to provide our clients with general information. While all statements are believed to be correct, no liability can be accepted for incorrect statements. Readers should not act or rely on this general information without seeking specific legal advice.

New employment law imminent

The election of a National government and Kate Wilkinson's appointment as Minister of Labour heralds changes to employment law in New Zealand. Any changes will doubtless focus more on the perceived needs of employers than was the case under Labour.

Changes to legislation that have already been signalled include:

- A 90 day trial period for new employees. This will allow an employer to terminate the employment relationship within the first 90 days without a personal grievance being brought. The provision will only apply to businesses with fewer than 20 staff. Approximately ninety-six percent of businesses, employing thirty percent of the workforce fall within this category.
- The Employment Relations Authority will continue to be required to act judicially and in accordance with the principles of natural justice, including the right to be heard. However the right to cross examine will be reintroduced for hearings. This will potentially alter the Authority's approach to conform to a traditional adversarial framework, rather than its current investigatory one.
- Four weeks annual leave remain in place but workers will be able to request that one of those weeks is cashed up. Some might see this as a backward step given that paid

holidays are designed for rest and recreation rather than as something that can be converted to a cash payment.

- A working party will be appointed to review the Holidays Act, in particular the calculation of relevant daily pay which has caused considerable difficulty to many employers.
- Union access to workplaces may be constrained. Workers, we are told, will be able to bargain collectively without having to do so through a trade union.
- On a side note, ACT would like to abolish the minimum wage, however National has proposed no changes to the minimum wage. We predict given the position of the two parties, it is unlikely any increase to the minimum wage will occur in the foreseeable future.

Prior to the election Peter interviewed National Labour Relations Spokesperson Kate Wilkinson about her background and what the change of government would bring.

This interview is available on CD. If you would like a free copy please contact Sue Luckin on sue@cullenlaw.co.nz



Drunken Emailing – Not anymore

We are coming up to Christmas Party season full of celebration, free flowing alcohol and bad decisions or choices. Google has found one solution to rescue revelers from themselves.

Because someone, somewhere, after a couple glasses of wine, will be unable to resist dispatching a wee-small hours email to a boss,

Google has developed a program called Mail Goggles. Mail Goggles requires the user to answer mathematical problems prior to being able to send their message.

The theory; to establish whether you are capable of competently deciding to send that late-night post-Friday-party email or not.

cullen

THE EMPLOYMENT LAW FIRM

In light of the current economic climate Cullen went searching for sage wisdom and epithets to define our times. We found the following:

"It's a recession when your neighbour loses his job; it's a depression when you lose yours". Harry S. Truman
"There will always be a business cycle, and white-collar workers will get hit in the next recession like they always do in recessions". Robert Reich
"As sure as the spring will follow the winter, prosperity and economic growth will follow recession". Bo Bennett
"The stock market has forecast nine of the last five recessions" Various
"Time solves a lot of things. Time may even solve what you are worrying about today". Dale Carnegie

These are the remaining words from The Washington Post's Style Invitational that asked readers to take any word from the dictionary, alter it by adding, subtracting or changing one letter, and supply a new definition.

Osteopornosis: A degenerate disease.

Karmageddon: It's like, when everybody is sending off all these really bad vibes, right? And then, like, the Earth explodes and it's like a serious bummer.

Glibido: All talk and no action.

Dopeler effect: The tendency of stupid ideas to seem smarter when they come at you rapidly.

Intaxication: Euphoria at getting a refund from the IRS, which lasts until you realize it was your money to start with.

Last Cullen Seminar for 2008

Restraints of Trade/Confidential Information "How to protect your valuable business assets"

10 December 2008

You have worked long and hard to build up your company or business. The people you rely on know your most sensitive commercial information. Can you be sure they won't steal it, use it themselves or sell that information?

Do you know:

- What an implied duty is and how they assist employers?
- How restraints of trade work and their limitations?

- How to protect confidential information?
- How to protect your IP in an employment context?

This Cullen seminar will give valuable insights into the traps and pitfalls that await employers who have are uncertain about these questions and their answers.

Issues covered include;

- addressing what an employer's rights are, the different types of protection available; and
- what an employer should do while the employee is still employed; and
- when an employee is leaving; and
- after the employee has left; and
- investigations, audits and injunctions.



Please enrol me for Restraints of Trade on 10 December

NAME:

POSITION:

ORGANISATION:

POSTAL ADDRESS:

(if different from above)
BILLING ADDRESS:

PHONE:

EMAIL:

☐ Cheque enclosed for \$109.12 GST incl. (payable to **Cullen – The Employment Law Firm**)

Please post with your payment to Cullen – The Employment Law Firm, PO Box 11 218, Wellington, New Zealand