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Minimum Employment Standards Legislation

The long awaited minimum employment standards legislation changes came into effect on 1 April 2016. New employment agreements must comply with the changes immediately, and existing agreements have 12 months to comply. A few major changes are set out below:

- **Record keeping** - employers must keep a record of the hours worked by each employee, including salaried employees.
- **Agreed hours of work**—employment agreements must specify agreed hours of work. This requirement can be satisfied by specifying; a number of guaranteed hours, days of work, and start/finish times. Nevertheless, an employment agreement will be compliant if it contains an *indication* of the arrangement relating to hours of work.
- **Zero hour contracts** – Zero hour contracts effectively require employees to perpetually be available for work, however, they provide no guaranteed hours. The legislation changes did not prohibit zero hour contracts outright, as was originally anticipated. Rather, the legislation introduced a number of rules and the concept of an “*availability provision*” (see below).
- **Availability provisions**—Employers who wish their employees to remain available for work beyond the agreed hours of work must include an availability provision in their employment agreements. Availability provisions can only be included in employment agreements where the employer has reasonable grounds for including the provision, and where the employer provides “*reasonable compensation*” to the employee for making themselves available for work.
- **Application to salaried employees**—The requirement to provide compensation to an employee with for remaining available for work beyond their guaranteed hours also applies to salaried employees. However, it is acceptable to state in an employment agreement that an employee’s salary inclusive of compensation.
- **Prohibition of adverse treatment**— Employees are able to refuse to perform any work that goes beyond their agreed hours of work and the employer is prohibited from treating the employee adversely on the basis of their refusal.

Do your agreements comply?

Goldstein Ryder has amended our employment agreements to reflect these changes, and they are available for purchase. We also have comprehensive Drug and Alcohol Policies available for purchase.

Australasian Law Awards Finalist



For the second consecutive year Goldstein Ryder was a finalist in the Employment Law Specialist Firm of the Year category of the Australasian Law Awards. It was an honour to be the only finalist from New Zealand in this category. Jeff and Linda travelled to Sydney last week and attended the award ceremony on 19 May.

Happy Anniversary

Goldstein Ryder recently celebrated the firm's fifth anniversary.

Welcome to the Team

Goldstein Ryder have recently welcomed three new members to the team:



Georgia Milne—Staff Solicitor

Georgia provides support to Jeff and Linda with various pre-investigation and hearing tasks . Georgia graduated from the University of Canterbury in 2014 with degrees in Law and Commerce, majoring in Human Resource Management. Prior to joining Goldstein Ryder Georgia worked at the Employers and Manufacturers Association where she provided advice on employment law, exclusively to employers.



Sarah Thomas—Client Relationship Manager

Sarah is responsible for ensuring that the office runs smoothly in her roles as Client Relationship Manager and Office Administrator. Sarah brings a wealth of customer service experience to her role. She places a particular focus on marketing and promotion. Sarah is always happy to deal with any client inquiries.



Holly Timms— Case Manager

Holly is responsible for the daily management of files, including providing support to Linda and Jeff. Holly uses the skills that she developed as an immigration legal secretary to deal with government departments. Holly's past experience includes Administration and Customer Service roles.

Contact us

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