

HR Legislation update

10 May 2019

by [Julia Stockman](#)

With recent law changes coming into effect there are few key HR updates that employers should be aware of as various policies and employment agreements may need to be updated.

1) Domestic Violence Leave – what you need to know

The Domestic Violence – Victims Protection Bill came into effect on 1 April 2019. This now entitles employees affected by domestic violence to have up to 10 days of paid domestic violence leave per year to deal with the effects of domestic violence – employees can take this leave after completing 6 months continuous employment (similar to the existing sick and bereavement leave provisions).

Supporting information for approval may be required from the police, government dept, health professional or a family violence support service. Employees are able to request a short term (2 month) variation to their working hours to assist with the effects of domestic violence and an employer cannot unreasonably refuse a request made under this provision.

Domestic violence leave does not accrue, and any untaken entitlement cannot be carried forward.

Clients should update their leave policies and/or Individual Employment Agreements to include Domestic Violence Leave.

2) Other employment legislation changes

There are additional legislative changes across a range of topics; from minimum wage changes read through and check your business is up to date with these changes.

- From 6th May 2019, only employers with less than 20 staff will be able to use trial periods to restore protections from unjustified dismissal for most employees when they start a new job. Employers with more than 20 employees will be able to use probationary periods to assess an employee's skills against the role's requirements. A probationary period lays out a fair process for managing performance issues and ending the employment relationship if the issues aren't resolved.
- The right to set meal and rest breaks have been restored. Employers have to give employees the minimum rest and meal breaks set out in the Act. The breaks provided will depend on how long the employee works – for example, an employee working an eight hour work day must have two 10 minute paid rest breaks and one 30 minute unpaid meal break, while an employee working four hours work day must have one paid 10 minute rest break.
- Reinstatement must be the first course of action considered by the Employment Relations Authority for employees who have found to be unfairly dismissed. This action needs to consider whether it is practical and reasonable for both parties.
- Employees in specified 'vulnerable industries' such as cleaning and catering services will be able to transfer their current terms and conditions should their work be restructured, or business sold. Changes also include a longer notice period for employees to choose to transfer to the new employer.
- If a collective employment agreement exists in your business, then there are several requirements that must be met to enable full compliance with these legislative changes.
- A reminder that the minimum wage increased on 1 April 2019 to \$17.70 per hour.

If you are uncertain what you need to do as an employer to ensure you are meeting your requirements, or would like some help with your policies, contracts or other HR related support, please email our qualified and experienced HR team today hr@bakertillysr.nz.