PRESENTERS



Maria Dew QC, Barrister, Britomart Chambers, Auckland

Maria has a specialist practice in employment law, professional misconduct matters and related civil litigation. She acts for employers and employees, providing a full range of advocacy and advice. Maria is currently President Elect of the New Zealand Bar Association and a Past Convenor of the New Zealand Employment Law Committee. She is also a Deputy Chair of the Health Practitioners Disciplinary Tribunal, an Investigator and Mediator Panel Member with the Sports and Recreation Dispute Resolution Service and an AMINZ certified mediator.



Stephen Langton, Partner, LangtonHudsonButcher, Auckland

Stephen is a specialist employment law and industrial relations practitioner at LangtonHudsonButcher, a niche employment law firm in Auckland. As well as being a trusted advisor, he has been involved in a number of significant cases in this area. Stephen has particular interests in employment litigation and advocacy, fiduciary duties and duties of fidelity in the employment context, team moves, confidential information and restraints of trade, the employment institutions' jurisdiction, and minimum entitlement claims. He is a former member of the NZLS Employment Law Committee, and a regular contributor to NZLS CLE.

CONTENTS

EMPLOYMENT LAW UPDATE	1
EMPLOYMENT JURISDICTION: THE SUPREME COURT SPEAKS IN FMV v TZB	1
Clarification of the expansive jurisdiction	1
Subsequent consideration	4
The effect on the ERA and beyond	7
NON-PUBLICATION IN THE EMPLOYMENT JURISDICTION	8
The general principles	8
Increasing protection for employees	9
DEVELOPMENTS IN WORKPLACE INVESTIGATIONS	12
Legal background	
An internal or external investigation?	
Practical considerations in external investigations	
Developments in workplace investigations	15
AN UPDATE ON REMEDIES, HOLIDAYS ACT 2003 CASE LAW AND REFORMS, AND	
REMAINING COVID-19 ISSUES	19
Introduction	19
AN UPDATE ON REMEDIES	19
Awards for humiliation, loss of dignity and injury to feelings	19
Section 123(1)(c)(i) awards in the ERA and Employment Court in 2020 and 2021	
Awards for humiliation, loss of dignity and injury to feelings in the Human Rights Review	
Tribunal (HRRT)	21
Reinstatement	22
HOLIDAYS ACT 2003 – CASE LAW AND REFORMS	
Holidays Act Taskforce report and anticipated changes	
Recent case law developments	
Some remaining COVID-19 issues	
Vaccination mandates – do they still have a place?	
Challenges to employer vaccination mandates	
Retention of employee vaccination records	
Returning to the office and associated issues	
Revisiting Sandhu? E Tū Inc v Mount Cook Airline Ltd	39
POWERPOINTS	41