

## PRESENTERS



### **Bronwyn Heenan, Simpson Grierson, Wellington**

Bronwyn acts for employers across the private sector and central and local government on all employment law matters, and has a particular expertise in disciplinary and termination matters, collective bargaining and industrial relations, business reorganisation and restructures, mergers and acquisitions and health and safety. She is known for providing pragmatic, timely and commercial advice to her clients and for understanding the big picture and evaluating commercial risk.



### **Rebecca Rendle, Simpson Grierson, Auckland**

Rebecca is a partner in Simpson Grierson's employment law group. She is experienced in all aspects of employment law, including advising on personal grievance claims, restructuring, holiday pay compliance and remediation, disciplinary, and performance management processes and collective bargaining. Rebecca represents clients in a range of sectors, including health, banking, local government, building, hospitality, retail, and forestry. She regularly attends mediations and represents clients in the Employment Relations Authority and Employment Court.

*The statements and conclusions contained in this presentation are those of the author(s) only and not those of the New Zealand Law Society. This presentation has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.*

# CONTENTS

<b>1. INTRODUCTION.....</b>	<b>1</b>
<b>2. TEST FOR JUSTIFICATION .....</b>	<b>3</b>
<b>3. DEVELOPING A ROBUST BUSINESS CASE .....</b>	<b>5</b>
THE HISTORIC POSITION .....	5
<i>GRACE TEAM ACCOUNTING LTD V BRAKE</i> .....	6
<i>Authority determinations</i> .....	7
<i>VICE CHANCELLOR AUCKLAND UNIVERSITY OF TECHNOLOGY V TERTIARY EDUCATION UNION TE HAUTU</i> <i>KAHURANGI O AOTEAROA</i> .....	8
<i>NEW ZEALAND TERTIARY EDUCATION UNION V VICE CHANCELLOR OF THE AUCKLAND UNIVERSITY OF</i> <i>TECHNOLOGY</i> .....	9
<i>The provision of information</i> .....	9
<i>VICE CHANCELLOR OF MASSEY UNIVERSITY V WRIGLEY &amp; KELLY</i> .....	9
<i>BIRTHING CENTRE LIMITED V MATSAS</i> .....	10
<b>4. GOOD FAITH CONSULTATION.....</b>	<b>11</b>
<b>5. PARENTAL LEAVE .....</b>	<b>13</b>
<b>6. TIKANGA AND REDUNDANCY.....</b>	<b>15</b>
EMPLOYMENT AND TIKANGA .....	15
COMMON MISTAKES.....	16