



Working in Wine™

Employment information provided especially for the New Zealand wine and liquor industries

July 2010

The information in this newsletter will be of most interest to those in the wine and liquor industries who are involved with employing others.

Topics in this Newsletter

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Approved Handler Certificates Renewals

The first Approved Handler Certificates and Approved Filler Test Certificates were issued under the HSNO legislation 5 years ago are coming up for renewal. All approved handlers should check when their certificates expire as you could need to renew sometime soon.

It's illegal for you and your workplace if you work as an approved handler without a current certificate so check out the website link below to find out what you need to do.

<http://www.ermanz.govt.nz/hs/ahrenewals/index.html>

Onus on Employers to check Immigration Status of foreign workers

Employers will need to prove that they took steps to check whether the foreign workers had the right to work in New Zealand.

From EMA: An employer's obligations under the Immigration Act 2009 remain essentially the same as under the Immigration Act 1987 (an employer must not employ a foreign national who is not entitled to work in New Zealand); however, the key change is that holding an IR 330 form will no longer be a "reasonable excuse" for employing a foreign national who is not entitled to work in New Zealand.

Instead, an employer will have to show that they took "reasonable precautions and exercised due diligence" to check whether the foreign national was entitled to work in New Zealand.

The Department of Labour is also introducing an online system which will allow employers to easily obtain information on a potential employee's work entitlement.

[Read the full story from EMA:](#)

Tax Changes from 1 October

GST increases from 12.5% to 15% (a net 2.2% increase on costs) and personal tax cuts take effect also from that date. Company tax rates fall in April 2010. All aimed at strengthening the economy.

Paid Parental Leave Increase

July 1st 2010 saw the Government increase its maximum 'paid parental leave' payment from the present \$429.74 per week to \$441.62 per week. The minimum amount payable to a self-employed person remains unchanged at \$127.50. To find out more about Parental Leave entitlements, follow this link:

<http://www.ers.dol.govt.nz/parentalleave/>

Infant Feeding Guidelines – Code of Practice

A Code of Practice to help employers who need to provide infant feeding facilities and breaks has been released. Interesting Reading!
[PDF document available from Department of Labour Website.](#)

New Health and Safety Guidelines when dealing with Contractors

The Department of Labour just released new guidelines for those who deal with contractors. A handy read if you are involved in using contractors to do work at your place

There are examples given right from how to select the contractor and allocate work.

Section 18 of the *Health and Safety in Employment Act 1992* creates a duty for principals to contracts that applies to these situations, and this guidance has been prepared to help businesses meet that duty and has been signed off by the Acting Deputy Secretary of Labour, Workplace.

<http://www.osh.govt.nz/order/catalogue/contracting-health-safety.asp>

How do your OSH and HR documents measure up?

Battersby HR Consulting (us, Paddy and Heather) are offering wine employers a no-cost assessment of all that you have in place. How do you know that you are meeting your obligations as an employer? With fines for non-compliance set to increase, it pays to know that you are doing everything correctly by your employees.

Just ring Heather on 09 838 1455 or email – mail@winejobsonline.com – to find out how easy it is.

Salary and Wage Rates and the wine industry's Salary Survey

You might be surprised to know how many people ring us and ask either how much they should be paying their staff, or employees themselves ask what they should be earning.

If only we had a dollar for every enquiry....

But, we don't provide that information; there are too many variables to randomly advise a \$ amount and it's dangerous for anyone to simply pick a figure on an ad hoc basis. When you look at your employees' pay rates and performance reviews, take several things into account. Qualifications, knowledge, skills, abilities and experience all count. So too does industry relativity.

There are specialist remuneration experts who provide salary info, and in conjunction with NZ Winegrowers, Strategic Pay conduct an annual wine industry salary survey. EVERY winery and vineyard owner who employs staff is eligible to participate – and, in our opinion, they should do so. It's a big help to everyone if there are a large number of participants and we can't see why there are companies who wouldn't want to.

Sure, it takes a little time (but the info you need to provide should be readily available through your payroll records) and yes you DO have to buy the results. Strategic Pay is a private business who conducts this survey and, like you, they can't work for nothing. The survey, in our opinion, is worthwhile and worthy of the industry's support.

Please speak to Chery on 09 3034045 or email her – chery@strategicpay.co.nz

So participate in the survey – it's not too late, it's very helpful information and if every employer does participate then the whole industry benefits and at times like these, we should all pull together to do what we can.

Employment Law Changes

You'll be aware of the changed to current employment laws as announced by the Prime Minister last weekend.

There's obviously more information required which will be provided with the legislation.

Here's some of the proposed changes:

Timing

No commencement dates have been suggested other than an indicative date for the Holidays Act changes to take effect from July 2011.

Extension of Trial Periods

A 90 day grievance-free trial period will be available to all businesses, currently only those with fewer than 20 employees can use it. There will obviously be rules around its use. There has been lots of comment and debate around this already so it will be interesting to see what actually is passed in to law.

Personal Grievances

The test for assessing if the employer has done the right thing will change from what a fair and reasonable employer 'would' have done to what a fair and reasonable employer 'could' have done.

The principles of process that an employer must follow will be set out.

A Code of Employment Practice around disciplinary and dismissal procedures will be issued.

Reinstatement will continue to be one of the remedies, but not the primary remedy.

A code of professional ethics, aimed to address the 'no win no fee' practices.

Allow the Employment Relations Authority to treat claims not actively progressed or pursued as withdrawn.

Union Access

Union access to workplaces will require the consent of the employer and that consent should not be unreasonably withheld.

Holidays Act

Employees may request, and the employer may agree, to cash up one week's annual holidays each entitlement year. An employer cannot initiate the request. Mutual agreement is required.

Relevant Daily Pay will be replaced for employees whose pay and hours are irregular. The new calculation will be based on an average of their gross earnings over 52 weeks or whatever lesser period of employment they have had with the employer. There will be no change to Relevant Daily Pay for salaried employees and those on regular hours and pay.

Alternative holidays will be taken as agreed, and if agreement cannot be reached, when the employer decides.

Employers and employees will be able to agree to transfer the observance of public holidays to another (identified) day.

An employer can require proof of sickness within three consecutive days, provided they meet the reasonable costs.

Penalties for non-compliance will be doubled.

Mediation

Several changes recommended around mediation.

Breaches of Minimum Code (e.g. minimum wage)

Penalties and penalty interest

Penalties for non-compliance will be doubled.

Employment Agreements

- Require employers to provide copies of employment agreements (signed or unsigned).

We will keep you posted as more information comes to hand.

SOCIAL MEDIA – SEEMS EVERYONE'S DOING IT... FOLLOW US ON TWITTER

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We support and endorse the participation by all New Zealand winery and grapegrower employers in the annual Wine Industry Remuneration Survey conducted by Strategic Pay in association with New Zealand Winegrowers. Participation is free (results can be purchased) and you should contact Chery at Strategic Pay for details. Phone 09 303 4045 or email chery@strategicpay.co.nz The survey is currently underway and will provide guidelines for industry pay rates for the next 12 months.

Working in Wine™ contains employment information provided by Battersby HR Consulting for winejobsonline.com for general information purposes and is not intended to replace legal advice. If you have any questions you should contact us. Telephone Paddy on (+64) 09 838 6338. We are available to assist employers through our consultancy services.

Check out the latest New Zealand wine and liquor industry job vacancies and jobseekers at www.winejobsonline.com and www.LIQUORJOBS.CO.NZ. If you know someone who may be interested in a job change, please refer them to the websites. Or, if you need someone new to work with you, advertise your vacancy for national and international coverage. You can email us at mail@winejobsonline.com if you have any queries. Jobseekers and industry networking service available too...