

# People Matters

Issue 12, November 2005

With Christmas parties coming up it is timely to remind ourselves of our obligations as employers. Therefore we take a look at how liability can occur and some tips for holding a safe event.

We also take a brief look at the proposed changes to the industrial relations system.

## Proposed IR changes

The legislation has now passed the House of Representatives and will come before the Senate on 28 November. It is largely expected to be passed by Parliament, however challenges in the High Court may alter some aspects.

March 2006 is the proposed start date for the new laws to come into effect.

5 areas are proposed to come under the new Fair Pay and Conditions minimum standard. These are annual leave, personal leave, parental leave, maximum ordinary hours of work, and a minimum wage.

Changes to existing conditions are proposed in each of the 5 areas. The two most likely to impact our clients are the increased personal leave provisions, and changes to the 38 hour working week.

It is important to ensure your Discrimination policies are up-to-date as changes to the Unfair Dismissal laws will mean a challenge to termination is more likely to occur under the Discrimination legislation, or under contract law, rather than the Unfair Dismissal law.

Do you have a question you would like answered? Let us know - your suggestions for topics are welcome.

If someone else in your business would be interested in People Matters let us know and we will forward a copy to them.

## Silly Season

Holding a party for clients/customers or staff can bring with it the risk of harassment or injury claims.

### Harassment

Now is a good time to check that you have a sexual harassment policy in place and ensure that all staff are familiar with it, including what appropriate behaviour means.

Carolyn and Laura are offering refresher courses conducted at your premises to help deal with what can sometimes be a complex, grey area. The course is suitable for 10-15 attendees. Special rates are available to clients who require 3 or more sessions on the same day.

### Injury

Injuries are the other major risk associated with Christmas parties. Employers sometimes overlook their responsibility to staff and guests who are attending social functions at their invitation.

In the case of staff, employers are generally exposed where an injury arises out of or in the course of employment, or when work is a substantial contributing factor. Therefore, employers are liable – and employees are protected – for injuries sustained at office arranged or condoned functions, such as Christmas parties.

To avoid a harassment or injury claim, make sure social functions are kept under control and encourage responsible behaviour, particularly when it comes to alcohol. Address any inappropriate behaviour immediately.