

Test your knowledge

There have already been several legislation changes this year, and some new case law. Are you up to date with it all? Angela Atkins put together this quick quiz for you to test how much you know!

For many people reading employment legislation and case law can be as enjoyable as going to the dentist. Yet HR professionals and managers need to keep up to date with all the changes to ensure their business is compliant and avoid fines. The good news is I'm passionate about making employment law fun to learn and I've put together this quick quiz for you to test whether you're on top of the law, or need to swot up. Good luck!

Questions

1: On 1 April 2009 the minimum wage increased. Is it now:

- A = \$10.50 B = \$12.50
C = \$12.00 D = \$12.70

2: Under the new Employment Relations (Rest Breaks, Infant Feeding and Other Matters) Amendment Act which came into effect on 1 April 2009, how many breaks does an employee get if they work 5 hours, and are the breaks paid or unpaid?

3: Under the same Act, how many breaks during the day does an employee get to breastfeed or express milk? And are they paid or unpaid?

- A = Two breaks unpaid B = Four breaks paid
C = Two breaks paid D = As agreed between employer and employee

4: What is the limit of how many employees can be working when you employ someone under the new trial period legislation and what is the maximum number of days the trial period can run for?

- A = 19 employees and 60 days B = 20 employees and 90 days
C = 19 employees and 30 days D = 19 employees and 90 days
E = 20 employees and 60 days

5: Under the Holidays (Transfer of Public Holidays) Amendment Act 2008, if an employee works a night shift which finishes 3 hours into a public holiday what happens?

- A = They can transfer the public holiday to another shift
B = They get paid T1.5 for the whole shift and get an alternative holiday
C = They get 3 hours ordinary time, and T1.5 for a full shift

6: From 1 April 2009 employer contributions to KiwiSaver increased to 2%. How much can an employee decide to contribute?

- A = 4 percent or 8 percent B = 2 percent or 4 percent
C = 2, 4 or 8 percent D = 2 percent or 8 percent

7: In *Oliver vs Department of Labour* (Feb 09), Oliver went on 14 weeks maternity leave but came back three days later to fill in for one day when another employee was away. IRD said she had therefore returned to work and her paid parental leave was ceased. Did the ERA rule:

- A = That she had returned to work B = That the one day didn't count
C = That in this case they would continue paid parental leave but normally this would count as returning to work

8: What is the maximum penalty for companies who do not provide the rest or meal breaks specified in the ERA amendment?

- A = \$2,000 B = \$5,000
C = \$15,000 D = \$20,000 E = \$10,000

9: Can employers' contributions to KiwiSaver be included in total remuneration?

10: Can someone employed under the new trial period clause raise a personal grievance?

- A = No they can't B = Yes, for unjustified dismissal, if they're dismissed.
C = Yes but not for unjustified dismissal.

Answers

1. B = \$12.50 (new entrants rate is now \$10.00 per hour).

2. They get one paid 10-minute rest break and a 30-minute unpaid meal break when working 4–6 hours.

3. D. Appropriate breaks must be provided but are not specified. The employer can agree for these to be paid. The paid rest breaks provided to all employees can be used as breastfeeding breaks.

4. D. It's 20 employees including the person you are hiring (so 19) and for a maximum of 90 calendar days. The trial period should be in writing in the employment agreement and specify how many days.

5. A. They can transfer the holiday, but only if agreed in advance. If the public holiday is not transferred, they must be paid T1.5 for the 3 hours they work on that day and get an alternative holiday.

6. C. The employee can now choose any of the three and, if already contributing 4 percent or 8 percent, can reduce this to 2 percent.

7. C. So be careful about asking an employee on leave to come back for one day.

8. E. A maximum of \$10K for each individual breach.

9. Yes. Originally they could be, then the Labour Government changed this in September 2008 but National changed it back from 15 December 2008. There are caveats, but basically the legislation says the employers' contribution must be in addition to salary and wages.

10. C. An employee under a trial period clause who is dismissed during the trial period cannot raise a personal grievance for unjustified dismissal. However, they can raise any other type of personal grievance, such as for unjustified disadvantage, sexual harassment, or discrimination.

Scores

9–10 correct: You are a true employment legislation whiz keeping on top of all the changes! Well done!

6–8 correct: You have a good level of knowledge—enough to be able to answer most questions people may ask you, but not so many that you look like an egg head or an employment lawyer. (If you are an employment lawyer, what are you doing in this category? You should have got all the questions correct!)

5 or less correct: Oh dear. The legislation appears to have got the best of you.



Angela Atkins runs Elephant Training's employment law workshops. See www.elephanttraining.co.nz for more or you can email Angela@elephanttraining.co.nz.

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