

January 2012

HR Market News

**Wheeler
Campbell**

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Market Insights

Welcome to our first ezine for 2012.....and from the two Sandys!

It's a new year and a new team for our clients and candidates with Lynda having now been in New York for over 6 months "living the dream" and Emma about to embark on her new life with her new husband and a new job in a new city! For Sandy B (Sandy Braithwaite) and me (Sandy Sergeant), we are now fully entrenched in the HR space and feel privileged to continue the great relationship that you have experienced so far with Wheeler Campbell.

What has been common for the four of us, is that we have each experienced a change in our own jobs within recent months, to better realise our individual personal ambitions or circumstances.

That got me thinking.... *'do most people wait until they are forced to change due to their surroundings placing them in an uncomfortable or unexpected position or do most people preempt, plan or prepare to make the changes they want, no matter how uncertain things are and regardless of the shifting sands in the market?'*

What we do know for certain is that this year is going to be full of change...no surprise there...and that little has changed in what to expect. From a market perspective we will continue to experience talent shortages in mid-senior level specialist roles. In these roles depth and breadth of experience will still "hit the spot" and "fit" remains high on the agenda when it comes to a hiring decision, regardless of the nature of employment.

An organisation that is equipped with quality based and timely recruitment processes will continue to have a competitive advantage in securing both of these attributes in a candidate.

So with the changing of the guard, Sandy and I are here to advocate on your behalf, be it personally or for the business you represent. While we have managed to connect with many of you already, if after having thought about your future business needs or personal ambitions you require assistance, market information or candidates please do give us a bell.

In the meantime, we hope that 2012 will be whatever you would like it to be and that any changes you make help you achieve the goals and outcomes you have set for yourself and your business.

Employment Law Update

The bitter and very public collective bargaining dispute between the Maritime Union and Ports of Auckland has raised questions concerning the extent to which an employer can restructure its workforce to, in effect, get rid of those employees covered by the bargaining.

The parties started bargaining in September 2011 and it quickly escalated into industrial action. But the dispute further intensified on 9 January 2012 when POA announced it would proceed with a proposal to make 330 of its stevedores redundant and replace them with contractors.

That, it seems, will be very costly: it is reported that the 320 union members involved will be entitled to approximately \$80,000 each in redundancy compensation.

Unsurprisingly, the union vehemently opposes the plan.

BUDDLE FINDLAY

However, it is established that POA is entitled to initiate a restructuring whilst still bargaining for a new collective agreement, and that it is not obliged to bargain collectively about the restructuring proposal (*NZ Amalgamated EPMU Inc v Carter Holt Harvey Ltd*).

POA will have to comply with the usual restructuring requirements, such as the provision of full information regarding the proposal and meaningful consultation with the union and affected employees.

This process may provide grounds for a challenge by the union (especially now that the good faith obligations on employers have increased since *Massey v Wrigley & Kelly*). But ultimately, provided POA complies with its obligations and cannot be shown to have pre-determined the restructuring, it may be able to proceed.

To have a further discussion about anything in this newsletter, to share suggestions or for a general chat about anything HR please feel free to contact any of us in the Wheeler Campbell HR team. We would love to hear from you.

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