

COLLINS & MAY } LAW

NEWSLETTER

Volume 6 2008

• Contacts

Lloyd Collins

lloyd@collinsmay.co.nz
DD: 576 1403

Paul May

paulm@collinsmay.co.nz
DD: 576 1400

Eugene Collins

eugene@collinsmay.co.nz
DD: 576 1407

Nicola Goss

nicola@collinsmay.co.nz
DD: 576 1404

Paul Whitmarsh

paulw@collinsmay.co.nz
DD: 576 1409

Davina Rowan

davina@collinsmay.co.nz
DD: 576 1411

Daniel Mumford

daniel@collinsmay.co.nz
DD: 576 1417

Camille Bell

camille@collinsmay.co.nz
DD: 576 1406

Amy McLennan

amy@collinsmay.co.nz
DD: 576 1405

If you would like any of our previous newsletters or any of the our free booklets on Wills, Family Trusts, Relationship Property of Business Law please email us.

Personal Grievances—Employers Beware! — By Nicola Goss

Harry Hamburglar was a typical 18 year old who enjoyed boy racing, sleeping and doing as little as possible. He got a job at his local Burgertown Store after leaving school because it was close to home and he thought he would be able to "score a free feed" for him and his mates when no-one was looking. Unfortunately Harry wasn't aware that the Burgertown Store owner, Ronald MacBurger, had secret security cameras installed, so that one Thursday night when Harry Hamburglar was seen stuffing sixteen burgers into his back pack as he left work to go out boy racing with his mates, the cameras were w a t c h i n g !

The next morning when Ronald was watching the security tapes he noticed Harry stealing the burgers. Ronald had had enough of Harry and his poor hygiene, being late for work and forgetting to smile and offering to upsize to customers. Stealing the burgers was the last straw and Ronald immediately rang Harry Hamburglar and told him he had to come to a meeting at 9.00 a.m. the next day to discuss a few issues. Harry turned up at the meeting (although he was extremely annoyed at having to get out of bed so early), where Ronald accused him of stealing the burgers. Before Harry even had a chance to reply, Ronald told him he was fired and to im-



mediately leave the premises.

Harry Hamburglar was extremely annoyed that he had been fired just for stealing a few burgers, it's not like Burgertown are ever going to run out of them. Harry went to see his Uncle, Larry Hamburglar, who was a lawyer to see what he could do about it.

Larry lodged a personal grievance on behalf of Harry with the Employment Relations Authority against Burgertown because although they had good reason to fire Harry they had not followed the correct process. Harry was asked to attend a meeting without being told what it was about. He was not advised he could bring a support person to the meeting, nor was he advised that he may receive a warning or be fired depending on the outcome of the meeting. Harry didn't even have the chance to offer an explanation as to why he took the burgers.

The Employment Relations Authority agreed that Burger-town did not follow the correct procedure in firing Harry and they ordered them to

pay him \$10,000.00 for "humiliation and injury to his feelings" for being fired in such a way plus legal costs of \$5,000.00.

If you have any employee like Harry and need to give them a warning or dismiss them it is important that you not only have good reason to discipline them, but also that you follow the correct procedure. Before any disciplinary action is taken you must:

- Advise the employee that you would like to have a meeting with them to discuss issues of their work performance. You should make sure you give the employee as much detail prior to the meeting as you can about what you would like to discuss, to give them time to prepare.

- Advise the employee they have the right to bring a support person along to the meeting.

- Advise the employee that as a result of the meeting they may receive a written warning or be dismissed or other disciplinary action maybe taken.

- Consider any explanations given by the employee at the meeting before you make any decision to discipline them.

Feel free to contact us with any queries regarding disciplining your employees' at the contact details provided.