



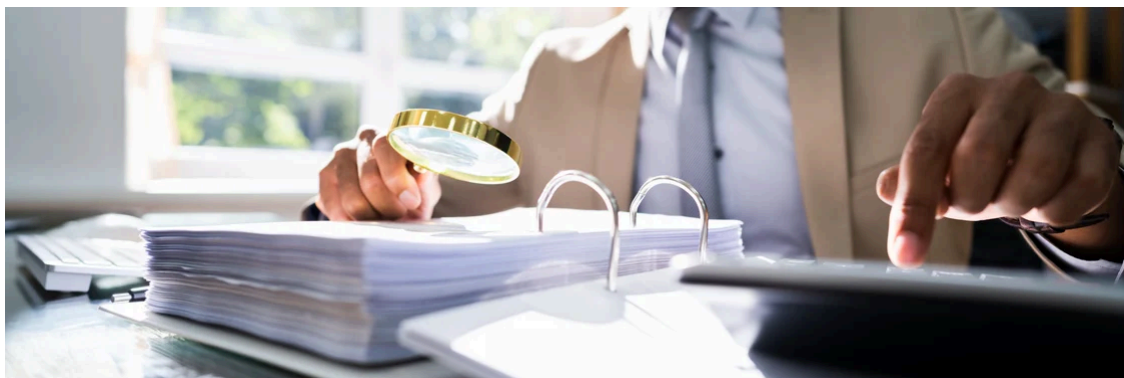
**Hi there,**

Welcome to [Ford Sumner's](#) Employment Law Update - The Good Employer

In this issue, we bring you

- Autumn employment law check in: Are your arrangements still fit for purpose?
- Trial Periods: A Useful tool, but only if done right.
- Fixed-Term Agreements: Are they still justified?
- Remote and Hybrid Work: From summer flexibility to ongoing expectation.
- Paperwork Reality Check: Does it match how work is actually done?
- Law Change: No personal grievance for dismissed employees who earn over \$200k.
- Proposed Law Change: Mutual agreement to terminate employment.

Ford Sumner's focus on building strong relationships is what makes us very effective employment specialists. Our clients trust us to get it right, and because we do, many of our clients have worked with us since we began in 2005. Our team collaborates to provide expert, and individualised service. We're responsive, with a can-do attitude, and we always bring our "A" game.



**Autumn employment law check-in: Are your arrangements still fit for purpose?**

March is often when businesses properly get back into stride after the Christmas break.

New hires are settling in, informal summer practices are giving way to standard operating expectations, and managers turn their attention back to performance and structure. It's also an ideal time to pause and check whether your employment arrangements still reflect both the law and the reality of how work is being done. This check in will help remind employers of best business practices as work gets underway.

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### **Trial periods: A useful tool, but only if done right**

The first quarter is a common time for employers to hire new staff as teams return from summer break. When bringing in new hires, you may wish to include trial periods to assess their suitability. In order to ensure these sorts of clauses are compliant, make sure you follow these fundamentals:

- The trial period clause must be included in the employment agreement and signed before the employee starts work;
- It only applies to new employees (not rehires);
- If the clause is missing, late, or incorrectly drafted, it will not be enforceable.

Tip: if you're unsure if your current trial periods are enforceable, or if you would like to start utilising trial periods, get in touch with the Employment Team at Ford Sumner.

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### **Fixed-Term agreements: Are they still justified?**

Fixed term agreements have a habit of quietly rolling on after summer. Employers should remember that a fixed term arrangements must be based on a genuine reason, supported by reasonable grounds, and clearly recorded in writing in the agreement.

“Budget uncertainty” or “that’s how we’ve always done it” is unlikely to be enough on its own. If the original reason for the fixed term no longer exists, the role may be deemed permanent. March is a good time to review:

- Which fixed term roles are ending;
- Which fixed term roles are continuing;
- Whether the original justification still holds up.





### **Remote and hybrid work: From summer flexibility to ongoing expectation**

Many employees work flexibly over the summer, and as businesses settle into March, expectations between employer and employee about working arrangements can diverge. Issues commonly arise where:

- Informal arrangements are treated as ongoing entitlements by employees.
- Different teams are managed inconsistently.
- Changes to work location are loosely agreed without formal consultation.

If flexible working arrangements are being adjusted or wound back, employers should communicate early, act in good faith, and be clear about what has, and hasn't been agreed upon.

Tip: If flexibility is intended to be temporary, say so at the time and put it in writing.

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### **Paperwork reality check: Does it match how work is actually done?**

Employment agreements and workplace policies don't update themselves. If hours, work location, reporting lines, or company expectations have changed, but the paperwork hasn't, that gap can quickly become a legal risk.

March is an ideal time to align your documentation with current practice, before issues arise later in the year. Employment changes can be actioned through letters of variation to the affected staff members.





### **Law change: No personal grievance for dismissed employees who earn over \$200k**

A legal development for employers to keep on their radar is the amendment to the Employment Relations Act 2000, which prevents employees earning over \$200,000 from raising a personal grievance for unjustified dismissal (unless contractually agreed otherwise). This change forms part of broader reforms intended to “retilt” the personal grievance framework towards greater certainty for employers.

The threshold applies immediately to new hires, with a 12-month transition period for existing staff to renegotiate terms. Employers should consider how this may affect senior recruitment, contract drafting, and how they communicate these changes internally.

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### **Proposed law change: Mutual agreement to terminate employment**

Another feature of the employment law reforms yet to be passed is the introduction of a framework which allows employers and employees to enter into protected “pre-termination negotiations” to discuss ending the employment relationship on agreed terms.

These negotiations could occur even when no employment dispute exists, with the intention of giving businesses greater flexibility while reducing the risk of personal grievance claims. These discussions would be subject to strict procedural safeguards, including requirements to inform employees of their rights, provide a reasonable opportunity to seek advice, and ensure that any termination agreement is fair and genuinely agreed.

As March brings renewed focus on workforce structure, now is a good time for employers to consider how this proposed change may influence their approach to restructuring, performance management, and exit processes.

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## Meet the Ford Sumner Employment Law Team

Ford Sumner has a strong team of employment law specialists. If you are seeking advice about workplace issues, your contractors, or employees, the team at Ford Sumner can assist you.

Meet The Employment Team

Follow us on LinkedIn and Facebook to keep up with our regular legal updates:



Thanks,  
The Ford Sumner Lawyers team

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