

2018 holiday survival

KIT

The essentials for successful
holiday management for
your restaurant or cafe.



restaurant
association
of new zealand



holiday survival

KIT

As many operators are already planning their Christmas rostering, here is a reminder of some of the key considerations to help you manage the public holidays over this period.

The 2018/2019 Public Holiday Dates are:

Christmas Day
Tuesday
25th December, 2018

Boxing Day
Wednesday
26th December, 2018

New Year's Day
Tuesday
1st January, 2019

DAY AFTER
New Year's Day
Wednesday
2nd January, 2019

Since all of the public holidays over this period fall on week days this year, operators are not faced with any "Monday-isation" of the days (as happens when they fall over the weekend). Public holidays in 2018/2019 will be observed on the days that they fall only.

How do you pay an employee who works on a public holiday?

Anyone who works on a public holiday is entitled to be paid at a rate of time and a half. If the public holiday is a day that they would normally work, and they do work it, then they are also entitled to one day's full paid leave – an alternative holiday – to take some time off in the future.

If the public holiday falls on a day that is not a normal day of work for the employee, and they do work it, then they are entitled to be paid at time and a half but they do not earn an alternative holiday.

The Restaurant Association employment agreement sets out that employees may be required to work on public holidays if rostered and requested by the employer. However, if an employee would normally be working on the day that the public holiday occurs but it has been agreed that they will have the day off, they are entitled to be paid the amount of pay that they would have received had they worked on that day (their relevant daily pay).

If the employee does not work on a public holiday because it is their normal rostered day off, there is no obligation to pay the employee for that day.

Not sure which days are otherwise working days for an employee?

It is sometimes a challenge to determine whether a public holiday falls on an 'ordinary working day' for an employee. This is particularly important when determining whether an employee is entitled to be paid for a public holiday if the business is closed on that day. Or, if you are open, and the employee works, whether they would be entitled to an alternative holiday or not.

Some of the factors you should consider are:

- what the employment agreement says
- the employee's work patterns
- the employer's rosters or similar systems
- the reasonable expectations of the employer and employee as to whether the employee would (have) work(ed) on the day concerned
- whether the employee works for the employer only when work is available
- whether, it is during a customary closedown

The Restaurant Association can provide further guidance on this, or a Labour Inspector also has the power to determine the matter, taking into consideration these same factors.

The Restaurant Association Helpline will be available during the busy season and holidays at:
0800 737 827



considering closing for the holiday season?

If you're thinking about closing for the holiday season, here are some obligations to your staff you need to be aware of.

Not every region maintains that busy momentum once Christmas is out of the way. Particularly in the main urban areas, the population can clear out as holidaymakers head for the beach.

A business can implement one annual closedown each year in which they close all, or part of, the operation and require employees to take annual leave, even if they don't have enough leave to cover the break. Closedowns usually happen over Christmas and New Year, but they don't have to. A closedown might occur during the year if there is a need.

Notifying employees of a closedown

If you are planning a closedown you need to give your staff 14 days' notice of a closedown period (so if you haven't already, now is the time to notify your employees).

While there is no legal requirement to notify in writing, we recommend writing a simple letter informing staff of the closedown start and finish dates, as this helps avoid confusion.

Managing annual leave and closedowns

During a closedown an employer may require employees to take all or some of their annual leave during the period of the closedown, even where this requires employees to take leave for which they are not fully reimbursed.

As an example, for employees in their first year of employment, the level of annual holiday pay for the period of the closedown can be established by:

- the employer paying the employee 8% of gross earnings to date, or
- the employer and employee agreeing to the employee taking annual holidays in advance and being paid even though there is not yet an entitlement to take the accrued leave, or
- the employer requiring the employee to take leave without pay (if holiday entitlements aren't available).

Don't forget that a public holiday that occurs during an employee's annual holidays must be treated as a public holiday and not as part of the employee's annual holidays. The employee is still entitled to be paid for a public holiday if the holiday would have otherwise been a working day for the employee.

What if you've already had your annual closedown this year?

If both the employer and the employee agree, employers may close their operation and discontinue the work of employees at other times, but the employer cannot require the employees to take annual holidays for a second closedown. If there are other closedowns the employer and employees will have to agree to the arrangements that will apply (often times you may find that when discussed with employees they will be happy to have the time off as annual leave days). As already mentioned, any public holidays that fall over the closedown period will still be treated as public holidays, however, you can't direct employees to take a public holiday day as annual leave.

OTHER OPTIONS OVER THE PERIOD IF THERE IS NO OFFICIAL CLOSEDOWN

Who gets paid if you decide to close on a public holiday?

An employee would get paid for the public holiday, even if they don't work it because you are closed, if that day falls on a "normal day of work for them". They are entitled to be paid their 'relevant daily pay' or 'average daily pay' – that's at normal rates; you only get paid time and a half if you actually work on a public holiday. You'll first need to establish whether the public holiday occurs on a day that the employee would typically work. Once you've established that it is a normal day of work for the employee in question, they are entitled to be paid for the public holiday.

What if you decide to close an extra day and give everyone the extra day off?

If you decide to close the business for a day that you are usually open, employees who normally work on that day in question (eg. Wednesday) would be entitled to be paid for the day as it is the business' choice to close, not theirs. They had every expectation they would be working that 'Wednesday' as they usually do!



DINEAID
A HELPING HAND

NOV & DEC 2018

Shed 5: Top DineAid Fundraiser 2017



Astrid Cootereau, Functions Manager at Shed 5*, reflects on their participation in the 2017 DineAid campaign.

Why do you think your team did such an awesome job of fundraising last year?

We explained to our team what it's for and armed them with all the information needed to get behind this worthy cause.

Top tips for 'Young Players' joining the campaign for the first time this year are...

Ensure your staff are aware of the campaign and inform the guests on arrival so they're not ambushed at the till when paying.

What do you like about DineAid?

I like the idea of giving back, especially at a time of the year when everyone is out celebrating and a lot of people are suffering hardship.

*Shed 5 is part of Nourish Group.

WAYS THAT YOU CAN SUPPORT DINEAID:

Create a **VOLUNTARY DONATION** option of \$2.00 per table added to the bill.

Create a **DINEAID SPECIAL** on your menu, letting customers know \$2.00 from the special will go to support DineAid.

Display a **COIN BOX** at the counter. This is perfect for cafes, food to go or informal dining establishments.

DINEAID.ORG.NZ

facebook.com/dineaid





alcohol promotions over the holiday season

While Christmas is a joyful time for your customers, care needs to be taken by operators to ensure compliance with alcohol promotion regulations.

Each promotion will need to be considered on a case by case basis, however, the following article provides some guidance to help members understand their requirements under the legislation. Irresponsible promotions can result in fines (of up to \$10,000) and licence suspensions.

Under the Sale & Supply of Alcohol Act, it is an offence to:

- Encourage excessive consumption of alcohol.
- Promote or advertise discounts on alcohol of 25% or more anywhere that can be seen or heard from outside the licensed premises.
 - » It is not an offence to promote or have a discount on licensed premises of over 25% if it cannot be seen from outside the premises.
 - » It is not an offence to promote or have a discount that can be seen from outside the premises if it's less than 25%.
- Promotes or advertises free alcohol.
- Offer goods, services, or prizes on condition that alcohol is bought.
 - » This does not apply to offers made only on licensed premises relating to the buying of alcohol. Loyalty programmes where rewards or discounts are not primarily applied to the purchase of alcohol are allowed, for example the Entertainment Card. Individual rewards may be interpreted differently however.
- Promote alcohol in a way that has special appeal to minors.

All advertising and promotions should also comply with the Advertising Standards Authority's (ASA) voluntary Code for Advertising and Promotion of Alcohol, which identifies principles by which the acceptability of alcohol advertising, promotions and sponsorship should be judged. Alcohol advertising and promotions shall:

- observe a high standard of social responsibility,
- be consistent with the need for responsibility and moderation in alcohol consumption, and
- be directed at adult audiences both in content and placement.

On-licensed premises regulations under the Act:

Permitted advertising/promotion outside the business:

- Promotion of a particular brand of alcohol that provides incentives to purchase that brand, as long as the price and promotional material does not encourage the excessive consumption of alcohol.
- Promotion of a single price that does not lead people to believe it is a discount of more than 25%.
- Promotions involving competitions that do not require alcohol to be bought.
- Promotion and advertising of loyalty programmes that provide rewards or discounts, as long as the rewards or discounts are not primarily redeemed for alcohol.
- Promotion of a wine and food match or degustation with wine in a flyer.

Prohibited advertising/promotion outside the business:

- Promotion of alcohol at a discount that leads people, or is likely to lead people, to believe that the price is 25% or more below the price at which the alcohol is ordinarily sold.
- Promotions which do not mention a discount but which customers are likely to believe will involve discounts of more than 25% because of the use of words describing discounts (e.g. 'huge savings on tap beer').
- Promoting alcohol as a prize for a competition or reward for purchasing a certain amount of alcohol.
- Promotions that have special appeal to minors.
- Promotion of free alcohol.

Permitted advertising/promotion inside the business:

- Any promotion that is acceptable outside the premises.
- Promotion of discounts of up to 25% and greater.
- Promotion of complimentary samples (e.g. wine samples).
- Promotions such as a 'happy hour' or providing they do not encourage the consumption of alcohol to an excessive extent.
- Promotions involving free alcohol providing they do not encourage the excessive consumption of alcohol.
- Promotions that have alcohol as a prize for a competition, providing they do not encourage the excessive consumption of alcohol.
- Promotions that offer a prize to people who buy more than a certain quantity of alcohol, providing they do not encourage the excessive consumption of alcohol.
- Acceptable promotions must still be suitably monitored, managed and controlled to ensure excessive consumption of alcohol is not encouraged.

Prohibited advertising/promotion inside the business:

- Any promotion, signage, or activity that encourages the excessive consumption of alcohol or encourages faster than normal drinking.
- Promotions involving large quantities of free alcoholic drinks.
- Promotions along the lines of 'all you can drink for \$x'.
- Promotions that have special appeal to minors.
- Time-related promotions that may lead to excessive or rapid alcohol consumption, e.g. 'free drinks until the first goal is scored'.

managing unplanned sick staff

The holiday season is the busiest time of the year, with longer hours and more days. How can you prepare for unplanned absences?



Communicate with your staff

Communication is always key. Have a meeting with staff and reiterate that it is their obligation to check the roster and know when they are rostered to work. Be clear that the old chestnut "I didn't realise I was rostered for today" won't be acceptable.

Tell your staff to let you know if they have a special occasion coming up – they'll want to celebrate the silly season too. You won't be able to do it for all of your staff, but with enough notice you may be able to accommodate things so the next day coincides with a rostered day off (or a later start). It's a good way of acknowledging you appreciate an employees' hard work.

Reiterate the policy

Ideally they should be required to call (not text) their absence directly to you, or the manager, at the earliest possible time. Make it clear that 5 minutes before their shift begins is not adequate advance notice.

Although you may be busy, if there are any unexplained absences (perhaps someone just doesn't turn up for a day then returns the next without adequate explanation), address the issue straight away. Keep an open mind until you've heard their version of events, but at the very least, unexplained absenteeism is worthy of disciplinary action and quite possibly a warning. **Contact the RA Helpline before pursuing any action at 0800 737 827.**

hiring your seasonal workforce

If you're hiring seasonal staff for a few months over the busy holiday season, it's a good idea to put them on a fixed-term employment agreement.

Employing someone for a fixed period of time to help out over a busy trading period is a legitimate business arrangement but there are a few key points to remember.

Employees on fixed-term agreements are entitled to all the same benefits as a permanent employee. They're hired to do work that only exists for a set timeframe, such as to cover a particularly busy seasonal period, a short-term project or cover for parental leave.

The Restaurant Association has a fixed-term employment agreement template that members can use in these situations. Let us know if you would like to receive a copy.

What you need to know about fixed-term arrangements

When you're hiring a fixed-term employee, the written employment agreement must:

- Explain why the role is only for a fixed-term – there must be a genuine reason for employing someone on a fixed-term.

- Specify when the term will end, eg. after six months when the project is completed, or when the season finishes. Clarify that the completion of the fixed term does not constitute a dismissal or a redundancy situation.
- Specify the way the employment will end and the reasons why it will end that way.

This will ensure there is no confusion as to the nature of the employment relationship and how it will end. If you don't meet these criteria, the fixed-term may not be valid and you'll be expected to treat the employee as a permanent employee.

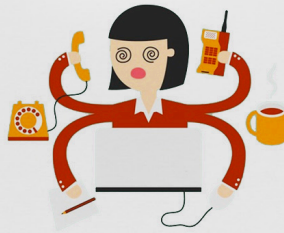
You'll also need to know that:

- You can't hire someone on a fixed-term arrangement to try them out before you hire them permanently. To try someone out, you need to hire them as a permanent employee and include a trial period in their employment agreement.
- If you decide to offer the fixed-term employee a permanent position after the fixed-term contract ends, eg. the person they were covering for parental leave does not return to work, they can't be subject to a trial period – those are for new employees only.
- If you want to dismiss a fixed-term employee, you'll need to follow the same disciplinary and dismissal processes as for other employees.
- You should always finish the agreement at the agreed time. If you need to extend it, do so in writing – or create a new fixed-term agreement – before the original agreement expires.
- If you're thinking about rolling over a fixed-term contract more than once, think carefully – you might actually need a permanent employee.

Contact the RA Helpline before pursuing any action at 0800 737 827.

stress busters

to help you survive the busy season



The holiday season can often be a stressful time for employers with increased traffic, staff leave and managing stock levels.

A recent survey suggests that 62% of business owners have increased stress levels at work around the holiday season. Here are a few strategies to remember that might make life a little more merry at the busiest time of year.

Have a plan

Ensure you're well-equipped for the busy period. Forward bookings, past bookings and analysis of past records can assist in predicting when you will be at your busiest and provide some insight into any patterns that may emerge.

In addition, ensure you have enough people to cover the holiday period. Predicting customer flow is not an exact science but by investing in a clear system and holiday plan of action will allow you and your staff to best manage the increased amount of business.

Know your limits

When you have a surge of guests coming into your business, know when to make the call to limit incoming customers, or have someone in place with the skills to foresee this decision. Making the call to turn away guests is tough but pausing your intake for a short period – even of 20 minutes – can often ease pressure and create a small window to recover and prep for the next wave. It's often better to turn guests away and have them thinking "wow, that place is really pumping!" than for them to enter a chaotic business leaving a sour taste and having negative reviews on social media.

On-board new staff ahead of time

Creating a training plan is imperative and hopefully there are systems in place for this, allowing new staff members to bring their A-game as quickly as possible.

To-do Lists

To-do lists are a tried and true stress management technique, especially with the right focus and direction. First, think of the tasks you need to do today. Then, determine which ones are both important and immediate. Instead of throwing every single project on your list, only put those important and immediate tasks on it, tackling one item at a time.

Get away from technology

No one can argue that wireless communications have helped increase efficiencies across the board. The downside? It's also made it significantly easier for work to leak into your personal time and much more difficult to separate yourself from your business.

Try taking some time, when you can, to completely unplug. Whether it's half an hour or a couple of hours, give yourself that distance from technology and use it to really be engaged in the world around you. Without the distractions of your phone buzzing or iPad notifying you of an email, you'll find it's much easier to be fully 'present', which can put a refreshing take on even the most common occurrences.

living a healthy lifestyle

As we all know, physical health has a huge impact on mental health, and vice versa. Try to remember the basics.

Adequate sleep. ZZ

For most of us this is around 8 hours per night. Sleep is critical to good mental health, and we need

to address any changes in our sleeping before they become habits. It is good to set up a relaxing bedtime routine an hour before bed – turn off technology and use this time to wind down and relax the body.

Balanced diet.

Focusing on eating well – a balanced diet including fruit and vegetables and limiting sugary foods, caffeine and alcohol, especially before bed.



Exercise.

Research has demonstrated that exercise is as beneficial to managing depression as medication. It also has a positive impact on anxiety and stress. Regular exercise increases levels of serotonin, a neurotransmitter involved in mood, sleep and appetite. Low levels are linked with depression. Exercise also increases endorphins – mood lifting chemicals in the brain. Aim to have some regular exercise you enjoy.

