

Gas and Power Cuts ... Crashed Servers ... Computers ... Tips to Get You Through

Regular contributor and lawyer James Johnston provides some helpful tips to get through some of the following tricky situations.

Can't Open for Business? You May Still Have to Pay Your Staff

Gas outages in Wellington, heavy snowfalls in the South Island and power cuts in Auckland meant many employers could not open for business. Sometimes slips and road closures can have the same effect for rural communities.

When the interruption is short, most employers will choose to continue to pay employees to preserve goodwill.

Whether an employer continues to pay staff during a temporary closure caused by outside circumstances depends on the terms of the employment agreement entered into.

If, however, an employer prefers to not pay workers because the business has to shut temporarily, then this needs to be specifically covered in the agreement with employees. Without such a provision, an employer who unilaterally cuts wages, could face claims for unpaid wages, plus penalties.

Also, employees cannot be forced into any un-negotiated changes to their employment agreement. Of course such changes may be bargained over the next time agreements are negotiated and thus goodwill preserved.

But can a business afford to keep paying the wages if a power or gas cut or a road closure means the business was closed for days or weeks?

To offer options for negotiations, experienced employment lawyers can provide suitable clauses to cover situations like these.

Our Server has Crashed ... What Do We Do?

You have been working on an important document all day. It must be sent by 5pm. Then at 4pm the server crashes and your work disappears. What can I do?

In today's world, businesses, big or small, are relying more on technology for smooth transactions and efficient dealings. All too often, however, when a server crashes, there is a crisis as valuable data and financial transactions are affected. The short point, is to have a clear plan or strategy prepared in advance, which kicks into action at the time of a crash. This can prevent you or your business from losing valuable profits, missing out on commercial opportunities, or even being held liable for missed deadlines.

The strategy should include the following:

1. Simple steps to follow to ensure that it is not a user error, including: ensuring the system is plugged in, rebooting the server.
2. A clear process for contacting the tech team.
3. Moving to the backup plan (i.e. the backup server in the interim).
4. Assigning priorities, advising management and staff of the situation, including regular updates.
5. Advising clients, customers and other stakeholders where appropriate.
6. Finally, regular testing of such a strategy will also ensure that should a crash occur your actual down time is kept to an absolute minimum and the situation can be handled in a calm, controlled fashion.

Computer Tips: Did You Know ...?

Tracked Changes – Be Aware!

Take care when tracking changes in important documents. If an email has been forwarded to an outside party, the recipient may be able to view any changes through the tool 'Track Changes'. This could potentially

be disastrous if the document is a sensitive one. To avoid this happening, we recommend turning the document into a PDF file (through Acrobat) before sending it on.

Be Very Careful With the 'BLIND CC' Button

Only if a sender really wants to keep some recipients secret, then we recommend sending separate emails rather than using the 'blind CC' button. Some computers can read who the recipients of 'blind ccs' are. It can be very embarrassing trying to keep secret the fact that others had received a copy and even more disastrous, if someone's email address has been disclosed when it was supposed to be confidential!

Emails – Are They Really Instant?

Businesses today rely heavily on email correspondence being instantaneous. However, technical difficulties with computers can result in significant delays in messages being delivered, or possibly not delivered at all.

If an email is important or urgent, we recommend that a follow up with a phone call or fax is made to ensure that it has been received.

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