

EMPLOYMENT MATTERS

Employment law is one of the most convoluted and challenging areas of running a business. There are over 100 Modern Awards covering most occupations in Australia, as well as detailed Fair Work Act and Fair Work Regulations along with case law that is evolving and changing every day.

As an executive, you likely deal with employment and human resource issues on an almost daily basis. These issues can range from ensuring correct pay and conditions to termination that may include redundancy and unfair dismissal, sexual harassment and bullying.

Without a dedicated Human Resources division or in-house legal counsel, employment law can be daunting, particularly given the relative ease for employees to bring a Fair Work Application against your company.

Most Small to Medium Enterprises usually do not have staff dedicated to managing employment issues. Even with a dedicated role, employment issues can quickly escalate with potentially complex legal consequences that may not be apparent at the outset.

Well drafted and considered employment agreements and policies can save an employer time and money, and may even prevent a law suit or Fair Work Application. At the very least, they can provide the employer with a strong defence to any such action. A mistake or misstep may cost hundreds of thousands in damages and legal fees, and your business' reputation may be irretrievably damaged.

At the very least, every employer no matter their size or number of employees should have:

1. Employment Agreements drafted by a lawyer;
2. Agreements protecting the employer's Confidential Information and Intellectual Property;
3. Policies dealing with Complaints, Bullying and Sexual Harassment;
4. A proper and thorough Employee Induction process; and
5. A proper and thorough Exit and Termination process;

And every senior executive should:

6. Generally understand their obligations under the Fair Work Act, the relevant Award or Awards in their industry and employment law generally (particularly regarding termination processes);
7. Specifically understand the differences between independent contractors and employees, and the difference between full time, part time and casual employees and their respective legal entitlements; and
8. Consider employee incentive schemes and if relevant, equity programs.

Armed with this knowledge, proper agreements and policies and legal advice, employers and executives can make informed employment decisions that will not compromise your business' legal position or unknowingly breach employment laws, ensuring your business is protected.

Hillhouse Legal Partners help employers and executives to comply with the law and achieve positive employee relations.

We aim to add value and the protections your business needs. We regularly draft policies, procedures and employment contracts, and supply strategic advice regarding your workplace and employee issues.

At Hillhouse, we apply positive and efficient legal solutions, reducing the risk and conflict that can arise in employment law.

Please feel free to contact us to discuss.

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