

Employment law can work for you and your company

In the same way that compliance with company law should have a positive effect on a business, compliance with employment law can also be advantageous for employers and employees.

If a company has properly delineated policies and procedures that comply with the latest employment legislation, it will be better equipped to head off any staff difficulties before they become legal headaches.

"We encourage our clients to look on policies and procedures as living, breathing documents, which are designed to help them to deal with employees," said Killian O'Reilly, a partner in law firm O'Rourke Reid. "Most companies put their policies and procedures in a handbook, and leave them in a corner where they are never looked at – and these policies are rarely updated unless the company has a problem."

By taking a proactive approach to policies and procedures, firms can go a long way to avoiding difficulties.

"Take disciplinary policy," said O'Reilly. "If a person is not performing properly, rather than letting it go, we would encourage companies to have a policy of regular reviews in place."

"This will allow them to tell the underperforming employee in a structured way what they are not doing, and what they are doing that they shouldn't be. It will also allow them to put in place formal plans to achieve their desired goals. Engaging in proactive measures is in line with best practice."

The message is clear, even if it is not readily appreciated by overstretched businesspeople. Employment law can be made to work for the employer. What is required, however, is a twofold approach; employers need firstly to get their head around the concept, and then need to devote the time, training, effort and resources to make it work.



Killian O'Reilly

"Focused companies pride themselves on being good employers," said O'Reilly. "They devote the time and effort required in terms of training staff and setting out procedures, letting people know what is expected of them, and what will happen if people don't meet the expectations."

This is the nub of the issue. The biggest area of conflict, according to O'Reilly, is the disconnect between what the employer wants and what the employee gives.

"Bad communication will cost a fortune," he said. "This is why good communication should be stitched into the fabric of an organisation. Good communication will make a significant difference in terms of productivity, motivation and company ethos, and this is why employment law can be a good thing, as long as employers are willing to devote the time and effort into encouraging best practice."

However, a common theme that emerges among many of those involved in employment law is the difficulty faced by employers in terms of the fractured nature of the law.

"Nera, the National Employment Rights Association, is number eight or nine in terms of the number of employment law bodies employers need to engage with," said O'Reilly.

"At last count, I think we had 30 pieces of legislation covering employment law, with another two to be added in the near future."

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