

EMPLOYMENT *fact sheet*

Employment Services

stevensdrake
solicitors **sd.**

Let **stevensdrake** take the headache out of recruiting, managing, disciplining and dismissing staff. We can keep you up to date with the constant employment law changes as and when they happen to ensure that you keep your employer liability to a minimum.

Here are just a few of the services we can offer you at stevensdrake:

Drafting contracts of employment

Legally, each employee must be issued with a written principle statement of terms and conditions of employment containing specific terms and outlining the Company's grievance and disciplinary and dismissal procedures (which must be statute compliant) within two months of starting. Employers can be fined and/or have terms imposed upon them if they do not meet these requirements.

We can draft written statements of terms and conditions or more comprehensive contracts of employment for you which reflect your business needs and ensure that all information as required by law is provided to your employees.

For larger businesses, we can also tailor make a staff handbook for you to include terms and conditions relevant to your business - for example, you may wish to have a specific e-mail and internet policy or a policy dealing with your dress code or uniform.

Written terms and conditions, contracts of employment and staff handbooks can be prepared for you for a fixed fee. Please contact one of the team for details of our fixed fees.

Reviewing your existing contracts of employment and/or staff handbook

If you already have an existing contract and/or a staff handbook in place or have recently taken over a business with staff contracts in situ, such contracts and handbook are likely to be out of date unless they have been reviewed in the last six months. We can review and update your existing contracts and staff handbook in line with current employment legislation to ensure that they are up to date, which will ensure that you are therefore limiting your potential liability for employment related claims.

Advice on recruiting staff

Are your job adverts discriminatory? What about your application forms? Age Discrimination became unlawful in October 2006. This new area of discrimination opened up a can of worms when recruiting staff. Asking for job experience, or levels of post qualification experience for example, could potentially be indirectly discriminatory. We can provide you with a discriminatory-friendly application form and talk you through the possible pitfalls associated with recruiting employees.

Advice on managing staff

Would an employer be held to be liable for an act of Age Discrimination based harassment if their employees made statements to their colleagues, referring to them as "over the hill" or "wet behind the ears" or for employees giving a colleague a Birthday card with "flirty at 30" on it? Potentially, yes. We can help you manage and develop your employees, and promote equal opportunities and diversity training which align with any written policies, to ensure that you are not just paying lip service. This will strengthen your position in the event of any unlawful discrimination based complaints or claims.

We can also advise you what to do when one of your employees has a grievance and on the correct procedure to follow when you wish to discipline staff for under performance or conduct issues. We will also ensure that you comply fully with the current statutory obligations placed on employers.

Are you aware of what obligations the current maternity, paternity, adoptive parents, parental leave and family friendly legislation place on you as an employer? Do you know how to manage staff and deal properly with requests for time off and requests to extend leave or return early from leave? Do you know what to do if a female employee is on maternity leave and it becomes necessary to make her position redundant without incurring costly sex discrimination litigation? We can help you manage all eventualities properly and correctly to strengthen your position as an Employer, and to minimise the risk of claims being brought against you.

Advice on dismissing staff

If all other alternatives fail to correct the under performance or conduct of your employees, or in the event of an incident of gross misconduct, we can guide you through the correct statutory procedures to lawfully dismiss your employees and minimise your potential liability.

Redundancy advice

On occasion, it becomes necessary for a business to downsize or restructure itself and as such, redundancies are sometimes unavoidable. The legal procedures which must be followed when making redundancies are fairly complex and it is easy to make mistakes. Mistakes cost money. We can guide you through the correct procedures to follow and ensure that you select employees for redundancy properly and fairly. This will dramatically reduce the likely number of claims that you could face after making redundancies.

Retiring employees

The Age Discrimination legislation also brought in a statutory compulsory retirement age of 65 and a notice procedure to be followed by employers. Employees also have the right to request to stay on and not retire at 65 and there is a complex retirement procedure that needs to be followed. We can provide you with tailor made procedures to follow to ensure that you comply with the notice procedures and deal with any requests to stay on past the age of 65 correctly to minimise the risk of any unfair dismissal and/or age discrimination claims.

Preparing compromise agreements

A compromise agreement is a useful tool which is used to terminate an employee's contract where that employee has or may have potential claims against the company. By using such an agreement, the employer pays the employee a sum of money to waive any potential claims that the employee may have against the company. We can prepare a compromise agreement for you for a fixed fee, and guide you through the method required to implement the agreement.

Advice, assistance and representation at the Employment Tribunal

If you employ staff, tribunal applications (even if they are without merit) cannot be prevented. All applications must be defended within 28 days of receipt, or you run the risk of being prevented from defending the claim. We can advise and assist you in preparing the necessary tribunal documentation and response; managing the case on your behalf, representing you at a hearing (if required) and advising you on the merits and likelihood of success of defending the claim. We can also assist in negotiating a settlement as an alternative to going to the tribunal to defend the case, if commercially viable.

For a full list of services please look at our website www.stevensdrake.com, or alternatively contact one of the employment team as this is only a sample of the services that the stevensdrake employment team can offer.

EMPLOYMENT DEPARTMENT



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