

Employer's Check-list



Pre-employment considerations:

- a) What are the risk areas in the employment relationship?
- b) Which party will carry which risks?
- c) What exactly is the job? What is the purpose?
- d) How will the parties tell if it is being performed successfully?
- e) Where is the person who can do the job likely to be recruited from?
- f) What inducement will it take to recruit and retain that person?
- g) Will that person's remuneration package fit in with that of others at a comparable level in the organisation?
- h) How long is the relationship likely to last?
- i) Should it be for a fixed term? This may be an advantage if the employee is desirable to competitors. Are there genuine reasons for a fixed term?
- j) What is to be the agreed period of notice of termination?
- k) Is the employee in a position to influence profit? If so, can the remuneration package reflect this with incentives?
- l) Are there any areas of potential dispute? How would they best be resolved?
- m) Will the employee have access to sensitive commercial or other information?
Is a restraint of trade indicated? What exactly would the employer want to protect? From what?
- n) When and how will remuneration be reviewed?
- o) Does the nature of the business require the employee to respond to emergency call-backs? If so, this should be agreed expressly.
- p) If the employee's equipment is used, who carries the risk of loss or damage?
- q) What provision should be made for redundancy, including technical redundancy?

The agreement should specify the following:

- 1) Parties to the contract**
- 2) Job/position description**
- 3) Date of commencement of employment**
- 4) Duration of employment:**
 - **indefinite**
 - **fixed term**
- 5) Remuneration:**
 - **wage rate**
 - **base salary**
 - **penal rates**
 - **bonus arrangements**
 - **review periods/objectives**
 - **commission**
 - **KiwiSaver/superannuation.**
- 6) Hours of work**
 - **breaks**
 - **flexibility/rosters.**
- 7) Employee benefits:**
 - **motor vehicle**
 - **telephone services**
 - **life/medical insurance**
 - **club subscriptions**
 - **product purchase arrangements.**
- 8) Annual leave and holiday entitlement.**
- 9) Special leave/long term disability.**
- 10) Parental leave.**
- 11) Health and safety.**
- 12) Confidentiality.**
- 13) Copyright/intellectual property.**
- 14) Restraint of trade.**
- 15) Company policy – refer to the personnel manual (if any) or work rules.**
- 16) Termination of employment:**
 - **period of notice or pay in lieu**
 - **summary dismissal for serious misconduct**
 - **period of notice for resignation by employee.**
- 17) Redundancy/technical redundancy.**
- 18) Employee protection provision**
- 19) Personal grievance and disputes/arbitration clause.**
- 20) Attestation clause.**