

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.