

# Employment

What employers need to know



# Our role

Employees can be one of the most valuable assets a business has but when things go wrong they can also represent a major risk to the business. Employment law is becoming more complex and keeping abreast of evolving legislation can be time consuming and difficult. However, to ensure good practice and minimise the risk of non-compliance, it is essential.

As specialist employment lawyers we are naturally up to date with the latest employment related legislation, but our role encompasses more than that. We work closely with our employer clients to become familiar with each business enabling us to provide commercially relevant help and support, particularly in relation to the management of risk. The relationship between the client and lawyer is very much a personal relationship based on trust and underpinned by an appreciation of the commercial reality of the employer's business.

We offer a wide range of services to support employers including those set out below;

## Contracts & policies

Carefully drawn contracts and policies are an integral part of the risk management process for any employer.

We are able to advise on and draft appropriate forms of contracts and policies. However, it is not simply a case of having contracts and policies in place; it is essential to make sure that management and employees are familiar with the policies and procedures. We are able to give support and assistance with appropriate training programmes.

Contracts for senior employees are crucial. The contract should be drawn up in such a way that it gives the senior employee security and motivation but it is also vital that the contract is framed to protect the employer's business secrets, confidential information and reputation if there is a parting of the ways. Restrictions on the activities of a senior employee after he or she has left the business should also be considered as part of this process.

When there is to be a parting of ways sometimes that can include a severance payment to the employee in return for the employee waiving any potential claims he or she may have against the employer. We can provide advice on and prepare a settlement agreement.

## Disciplinary & dismissal procedures

The Advisory Conciliation and Arbitration Service (ACAS) Code of Practice underpins the process relating to issues at work. The code gives employers and employees some flexibility to resolve problems at an early stage in a way that suits both parties best.

Noncompliance with the Code can lead to employers being exposed to substantial claims. We can provide help and guidance in this area and assist in managing the risk of such claims.

## Redundancy

Following the correct procedure is also essential for any business in a position where it needs to make redundancies. Again, a failure can be costly from the employer's point of view. We are able to provide help and guidance from the start to the end of the redundancy process.

There are special rules regarding large scale redundancies and, again, we are able to advise on the relevant procedure.

## Diversity, discrimination & equal pay

Claims under the broad heading of Equal Opportunities present a significant risk for employers. Policies and procedures should include provisions against harassment and victimisation not only to encourage positive working relations between staff but also to minimise an employer's liability. We can give advice and support in relation to policies/procedures and the appropriate training that is required.

## Dispute resolution

Our overall objective is to enable employers to avoid disputes where ever possible. However, the reality is that this may not always be achievable and where disputes do arise we will work to ensure that where possible, those disputes are settled in a cost effective manner.

We will consider all forms of resolution including negotiation and specialist mediation.

There will be some cases which, despite every effort, end up in a court or tribunal and we will be able to represent you in those instances.

Strategy and budget are central elements to the resolution of any dispute, we will always keep you appraised of these.

## Buying and selling businesses

The sale and purchase of businesses with employees subject to the Transfer of Undertakings Regulations. The Regulations are far from straightforward. We are able to help and advise you on the obligations which may be placed on you by the regulations advise and help you with issues such as harmonisation of employment contracts transfer. There are significant risks for buyers and sellers where businesses are transferred if things are not done correctly.

## Trades Unions

We have experience of dealing with trades unions and of assisting employers with the negotiation and settlement of union recognition agreements. We also have experience of assisting employers in negotiations with trade unions on industrial relations generally.

Many employers (whether or not there is a recognised trade union) are now finding that a Works Council is a useful mechanism for communication and the maintenance of good industrial relations, and this is something we are also able to help where there is an obligation to form a council union.

## Overall objective

By working closely with the employer as part of their business we can provide advice and guidance that can help to achieve commercial objectives within the law. Taking timely advice can often help prevent the escalation of issues and avoid the need for litigation.

With a professional approach we will agree goals at the outset and, where possible, agree a fixed fee for the work undertaken.

Our overall objective at all times is to make a positive and constructive contribution to the employer's business.

This booklet deals in general terms with a complex subject. Whilst we believe the contents to be correct, they should not be regarded as sufficiently full, accurate or precise so as to apply to any particular situation. You must always seek legal advice concerning any situations referred to in this booklet.

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# Please contact your LawNet Solicitor to discuss employment matters

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