



Practical Employers Guide to Avoiding Legal Conflicts With Employees

Richard Grogan & Associates as a specialist Employment Law Firm with expertise and experience in acting for employers and employees has identified some simple steps for employers to avoid legal conflicts with employees.

Even if you are committed to complying with Employment Law you still run the risk of having a claim against you by a dissatisfied employee. Employment Law cases can be expensive. In addition it can tarnish the name and reputation of your company.

By applying a few basic principles you can avoid getting into disputes with your employees. Here is a Practical Guide as to how to avoid Employment Law Claims.

1. Treat Those Who Work For You With Respect.

Respect is important for employees. It makes an employee feel valued. If you treat your employees with respect they will also respect the management. If they have a problem, this respect will prompt them to bring the matter to your attention instead of bringing a case against you by going to a Solicitor or a Union. You should put up, in the work place, "The Dignity in the Workplace Charter". You should apply the principle of dignity at all times.

2. Praise in Public, Criticise in Private.

This one of the most important matters which an employer can undertake. Talking to an employee, whom you may have a problem with, in respect of a particular matter is always an issue which should be dealt with in private. It maybe the employee has a problem themselves. If personal information is given to you, you should make sure that the employee knows that you will keep it private. You should never break the trust of an employee who gives you personal information. If an employee is due praise than do it in public. It costs nothing. It does, however, show the employee and their co-workers that they are valued and appreciated. Being valued and appreciated is very important for most people.

3. Value Your Employees Suggestions.

You may think you know the business better than anybody else. However your employees maybe the first people to deal with customers, suppliers or problems. Suggestions from an employee deserve attention. This is particularly so when it comes to their job, safety and general welfare. You should value employees who make suggestions. You should consider them. You should implement the good suggestions.



4. Be Available for Your Employees.

Whether you like it or not, as an employer, you are responsible for the moral and well being of your employees. You should be available for your employees. This is particularly so when they feel unhappy with certain management decisions. All employees should be made to understand management goals and the reasons for decisions. It is surprising how often changing working conditions, which are needed for the business, or which are not explained to the employees can result in legal claims. Our experience is that if these matters are explained, the reasons given, and feedback sought from the employees, taking into account any particular issues which they might have is more likely to result in any changes being accepted and less likely to result in employment claims.

5. Avoid Discrimination in the Company.

Discrimination is one of the most significant causes for low morale. Where an employee is discriminated against, this can result in significant legal claims with the potential for significant awards against an employer. Your Discrimination Policy should be communicated to all employees and all employees regardless as to their role in the company whether management or otherwise should be aware of their duties towards fellow employees. As an employer it is your primary duty to make sure that discrimination does not occur in your company.

6. Performance Appraisals.

These should be conducted on a regular basis. They should be done on a one to one basis. This lets an employee know where they stand in carrying out their duties. It can help to alert workers if they are falling short of expectations. It gives them an opportunity to improve. Having proper employee evaluation can be one of your best defences against legal claims if you have to dismiss a worker for cause.

7. Don't Make Matters Personal.

If you need to reward or to discipline an employee this should be based on what he/she has or has not done. You should never make matters personal. You should not have personal grudges or attachments as part of management decisions. Personal attachments to a particular employee can be more disruptive of the workplace than a personal grudge against another employee. All employers and managers must be objective in deciding whether to reward or discipline any employee. Being objective and being able to show that objective decisions were made and will usually avoid legal problems.



8. Talk to Your Employees.

We know as an owner of a business you are busy. You have clients to see. You have suppliers to meet. You have deadlines. There are financial and administration duties which you have to attend to on a daily basis. You have the pressure of getting new business. All of these are important. Your employees are however your greatest asset. Take time to talk to them. Find out if they have any problems. Ask them if there is anything you can do to help. Ask them for their suggestion if it is a work related matter, taking time to talk to an employee shows respect. It shows interest in them. It shows that you care. If they have a problem which could result in a legal action against you, it is far more likely that they will come to you first to try to resolve the issue if they feel you have an open door policy and they can openly and frankly talk to you.

Why do Employees Bring Employment Law Claims?

Of course if you fire an employee you have the potential for an Unfair Dismissal Claim. However, everyday employees bring claims for working excessive hours, not getting notification of overtime, not getting a proper contract of employment, being bullied or harassed, or not receiving what they perceive as their entitlements. More often than not, our experience is, that the employee has tried to raise a particular problem with the employer and has been simply ignored or their grievance not addressed. The employee becomes frustrated, the employee loses motivation. The relationship starts to break down and the employee then goes to seek legal advice. Complying with Employment Law is complex. The legislation and rules are complex and often contradictory. Few employers will ever be 100% compliant. There will always be “technical” breaches of Employment Law especially for smaller employers. It is extremely rare for an employee who feels valued, who feels respected, and who believes that they are being treated fairly by their employer that they will seek legal assistance. If the employee believes that they can bring the problem to their employer and that they will get a fair and objective hearing they are much more likely the matter to the employers attention rather than go to a lawyer.



Conclusion

The firm of Richard Grogan & Associates is recognised as a specialist firm of Employment Lawyers who act for a significant number of not only employers but also employees. In this guide there is virtually nothing of a legal nature. There is no legal advice. It is all common sense. It is practical advice based on the experience we have gained through years of acting in employment cases. Our experience is that employers who are proactive, open, honest in their dealing with their employees and who apply fair and objective policies and procedures and who take the time to meet talk with, and understand their employees and the problems which the employees have that those employers are far less likely to have an Employment Law claim than an employer who does not respect their employees. Remember it costs nothing to be polite and courteous to employees. It costs nothing to show respect. Employment Law Claims against your company not only can be costly they could also have a negative impact on your company name. Creating a positive workplace is simply good business. We in Richard Grogan & Associates hope that this common sense Guide will help you avoid claims from your employees. Yes we can help you with your legal documentation. We can help you in defending claims. In saying this getting appropriate Industrial Relations and Human Resource professional advice often avoids having to engage solicitors.

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