

Top 10 New Year's resolutions for employers

 By [Johan Botes](#)

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Here are some resolutions for 2013 for you that you, as an employer, may well find useful. Get them right now - and avoid any unpleasant surprises during the year.

1. Recruit the right talent for your business

Arguably the most successful tool in managing the legal risk associated with dismissal is to ensure that you do not have to dismiss staff readily in the first place. Hiring the right talent for your business is taken for granted in many organisations. A poor fit between the candidate and the organisation inevitably ends up in conflict. This risk can be avoided or minimised where there recruitment is seen as a key value-adding business process that warrants the time and attention of senior management.

2. Dust off those old contracts

If your employment contracts are older than five years, there is a strong likelihood that it does not maximise the operational flexibility that can be extracted from such an agreement. Law and interpretation thereof change constantly, as do the needs of business and employees. Make sure that you take advantage of such changes and that you are not caught with outdated provisions upon which you cannot rely when faced with a dispute.

3. Manage workplace diversity

There are regular reports of claims of unfair discrimination. Discrimination not only presents a legal risk, but also affects workplace productivity and corporate cultures. Employers should ensure that they, at the very least, adopt policies to communicate the organisation's stance on such practices; establish reporting channels where staff can report discrimination or harassment; and conduct workshops or training sessions aimed at promoting understanding and tolerance in the workplace. Strong disciplinary action should be taken against wrongdoers.

4. Train managers and staff on employee relations processes

Many managers and supervisors shy away from any involvement in disciplinary action against their subordinates, preferring to pass the buck to HR. Businesses that empower their line managers to deal with employee relations processes such as disciplinary, incapacity or grievance hearings can look forward to better management of their employees, reduced legal costs of defending employment claims and freeing up time of human resource practitioners to deal with other value-adding processes.

5. Address the relationship with trade unions

The relationship with a trade union is often seen in the same light as that with the in-laws: a necessary evil that one has to tolerate with forced smiles through gritted teeth. A good trade union plays a valuable role in managing employee

expectations, highlighting business risks and contributing to the corporate culture. It can be an invaluable check-and-balance to safeguard a business against over-rapturous management. However, care should be taken to ensure that the roles and responsibilities of union officials and shop stewards are clearly defined and understood by all.

Trade unions trying to manage a workplace can be as dangerous as managers who act like shop stewards. Businesses seeking to manage the relationship with the trade union successfully should ensure that the right team is appointed to engage with the trade union, that this team is properly mandated for such engagement and that it enjoys the full support of the business. Many negotiations had gone awry where CEO's or board members intervene in the negotiation process at the expense of the negotiating team. Get the right human resources manager with the necessary skills to manage that interaction, and then allow him or her to do so.

6. Plan properly for wage negotiations

Wage negotiations need not only be a discussion on how big an increase an employer is willing to grant its employees. Such negotiations present the ideal platform for employers who require the consent of employees to effect various changes to the workplace or terms and conditions of employment. Need to insert a clause into the contract of employees whereby they consent to the use of their personal information, as required by the Protection of Personal Information Bill (when this becomes law), why not include it as a *quid pro quo* when tabling management's demands at this year's wage negotiations. Similarly, this is an ideal platform to introduce new or amended employment contracts that the employer dusted off. Employees may be more amenable to give up some archaic benefits when faced with the prospect of decent salary increase.

7. Manage performing and under-performing staff

One of the difficulties occasioned by non-performing staff is that managing their performance take a significant amount of their manager's time and energy. The loser in that equation is often the good performer. Managers tend to neglect those who do well as they are considered to require much less assistance or intervention. Whilst it may be true that star employees can generally manage themselves well, care should be taken that these employees do not feel neglected or under-appreciated.

Spending an inordinate amount of time with the poor performers whilst the good performers struggle to get a slot in the manager's diary sends out a terrible message. However, not addressing poor performers is an evil worse evil. Nothing destroys the morale of a good team quicker than a manager that allows a delinquent employee to carry on unabated whilst the rest of the team are slaving to the grind to meet the deadlines or goals. Poor performers should be placed on terms, clearly advised where they are falling short and then afforded a reasonable opportunity to meet the required standard. If they fail to do so, they should be exited from the team.

8. Allocate sufficient resources to HR processes

Human Resource departments are typically understaffed and under-resourced. During organisational restructuring, it is not uncommon for the HR department to be a key section expected to reduce headcount. The difficulty faced by Human Resources heads is that many HR processes cannot readily be reduced to a rand and cent figure to show the value of the investment made. How does one place a figure on a healthy corporate culture? The true value thereof is normally only seen when it goes wrong, when years of neglect

9. Get advice or assistance when necessary

Employers seeking to cut down on legal fees are often tempted in handling employment matters in-house and then only obtaining assistance once a dispute has been declared. In most instances, proper advice obtained at the outset can significantly reduce risks at a fraction of the cost of trying to unscramble the eggs subsequently. Obtaining advice on the drafting of an agreement, for instance, will invariably be more cost effective than trying to defend poorly drafted agreements once a dispute has arisen.

10. Manage the corporate culture:

Corporate culture is not established by pinning a list of values or ethics, designed by a consultant, behind the office door. Businesses acquire their own unique corporate culture based on the way things are done there. Businesses who manage

to live their values have a competitive advantage over those organisations that pay lip-service to this. It is simple to print mission, vision and value statements proudly saying that that "we value our employees" but all of that comes to nought when staff witness one senior executive after the other being escorted off the premises during retrenchments.

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