

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 employer 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 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.

Where there is to be a parting of the ways sometimes that can include a severance payment to the employee in return for the employee waiving any potential claim he or she may have against the employer. We can provide advice and prepare a Settlement Agreement that the employee should sign before receiving the severance payment.

Disciplinary & dismissal procedures

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

Non compliance 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.

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 guidelines 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 for 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.

It goes without saying that we will consider negotiation and we will also consider whether it is worthwhile seeking a resolution by commercial mediation.

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

Strategy and budget are central elements to any dispute resolution and we agree these with you at the outset. Any necessary variations as the case proceeds will be carefully and thoroughly discussed and agreed with you.

Buying and selling businesses

The sale and purchase of businesses with employees are subject to the Transfer of Undertakings Regulations. The Regulations are far from straightforward. We are able to help and advise you on the consultation which must take place with employees prior to the transfer and also advise and help you with issues such as harmonisation of employment contracts post the transfer. There are significant risks for employers where businesses are transferred if things are not done correctly.

Employment relations generally

We have experience of assisting employers in negotiations with trade unions on industrial relations generally.

The Information and Consultation of Employee Regulations have to some extent changed the industrial relations landscape. The Regulations affect employers with 50 or more employees. We can provide help and assistance to employers to ensure that, where relevant, full compliance is achieved.

Overall objective

By working closely with the employer as part of their team we can provide advice and guidance that can help the business to achieve its overall 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.

What should you do next?

Please contact one of our specialist employment solicitors, our office contact details are included in this information brochure.

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.

No responsibility for any loss suffered by any person as a result of acting or refraining from acting in reliance upon the contents of this booklet can be accepted by this firm, its author or LawNet Ltd.

This firm is regulated by the Solicitors Regulation Authority.

Please contact your LawNet Solicitor
to discuss employment matters

Fishers Solicitors

Ashby de la Zouch Office - Tel: 01530 412167

Unit R | Ivanhoe Business Park | Ashby de la Zouch | Leicestershire | LE65 2AB



FishersLaw



FishersSolicitors



FishersLaw



FishersSolicitors

www.fisherslaw.co.uk

enquiries@fisherslaw.co.uk

LawNet is a national network of law firms with members spread across the UK and Ireland. Its members are quality assured law firms who pool resources such as training, information, business development and support.

Committed to the provision of legal services of the highest quality, LawNet member firms are selected for their successful, dynamic and commercial approach.

Membership provides access to a powerful network and resources normally only available in the largest law firms. So you can be confident you'll receive the specialist support you need and that the quality of service is second to none.

Our clients will receive:

- you receive expert advice
- a quality service
- value for money