



New Year's Resolutions for 2012

Studies have shown you can increase your chances of keeping a New Year's resolution by focusing on one resolution and then sharing it with others. If you've yet to make any resolutions, Shelley Crofts, an associate in our employment team, has a few suggestions.

Choose one of our Top 10 resolutions for 2012 and then, importantly, share it with a colleague or two. Perhaps over a coffee. Well, it is important to take these things one step at a time...

- 1. Check your employment contracts are up to date.** Carry out a review of your employment contracts. Check that they not only capture the correct job titles, salary and holiday days, but that they also comply with the current legal requirements.
- 2. Think about introducing a probationary period for new starters.** Most employers now provide purely factual references to avoid the risk of being liable for negligent misstatement. These references are often of little value if you are trying to assess a candidate's suitability for a role. Consider whether new starters should be put on a probationary period to monitor their suitability.
- 3. Introduce a social media policy.** Make sure that you have adequate guidance in place to ensure employees understand what you consider to be acceptable use of social media and the penalties they might face if they abuse such social networking tools.
- 4. Review sickness absence.** Identify a coherent plan of action to deal with any staff on long-term sick leave. Think about getting occupational health or GPs involved in exploring an employee's return to work. If you already have medical advice, consider whether it is time to get a new report to take into account any change in the employee's medical condition. Identify and investigate repeated instances of short-term absenteeism.
- 5. Check the status of your fixed term employees.** Fixed term employees working beyond their end date or those who have had successive fixed term contracts for more than 4 years have potentially become permanent employees. Check whether you have any employees to which this applies and whether you need to address this change in status.
- 6. Review your poor performers.** If you have any employees engaged in a performance management process, make sure that you are providing them with the support they were promised. Otherwise it can set you back in the performance process which could cause a significant delay before you can fairly dismiss.
- 7. Check your anti-discrimination policies and training programmes.** In April 2012, generally, the length of service required for employees to bring an unfair dismissal claim is going to increase from 1 to 2 years. However, discrimination claims do not require any minimum length of service before they can be brought. With this in mind, check that your equal opportunities policy is up to date and that it has been communicated to employees. You might also consider including training on equal opportunities or anti-bullying and harassment as part of your induction programme or as refresher training for existing employees as appropriate.
- 8. Check the status of potential agency workers.** The Agency Worker Regulations (AWR) came into force in October 2011, enhancing the protection afforded to agency workers. If you engage temporary workers, review your existing arrangements to make sure that, if they fall under the remit of the AWR, you are complying with its obligations.
- 9. Review the policy wording for sickness and holidays.** Changes to case law in this area have left it open for employees to claim back historic holiday. Check your contracts and/or relevant policies are up to date to ensure you have the most robust wording to defend claims of this nature.
- 10. Go to the gym.** Because no self-respecting list of New Year's resolutions is complete without it.



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