

Employment Policies and Procedures Checklist

A contract of employment does not need to be in writing. It is quite possible for a contract to exist when there is no written agreement. A contract is formed by the offer and acceptance of employment and employers cannot rely on the fact that there is nothing in writing to say that there is no contract.

However, there are considerable advantages in having written agreements. A written agreement states the situation clearly and any questions relating to terms and conditions may be referred back to the written document.

While there is no legal requirement for the existence of a written document to prove the existence of a contract, there is a statutory requirement concerning the written particulars of terms and conditions of employment.

So what does all this mean?

It is a requirement of the Employment Rights Act 1996 that all employees be given a written statement of terms and conditions of employment within the first two months of employment.

Whilst you may feel that this is onerous, if you don't have a written basis of agreement between you and your employees, what happens when there are problems?

For example:

There are new rules that cover Discipline and Grievance situations that apply to every employer regardless of size. If you decide to formally monitor an employee's unsatisfactory performance, you will almost certainly need to consider applying these Statutory rules.

If you dismiss an employee through misconduct, poor performance or redundancy, would you know how to apply the new statutory rules to ensure that you are not risking the case being referred to an industrial tribunal?

In non-discrimination cases employees who make a successful claim can receive up to £56,800 in compensation from an industrial tribunal. If the claim relates to treatment that can be attributed to an employees sex or sexual orientation, disability, race or religious belief ie discrimination, there is no limit on the amount that can be awarded.

The Checklist

This checklist will help you to identify the minimum areas for consideration when issuing a Written Statement of Particulars enabling you to comply with your legal obligations as an employer.

			Yes	No
Name of employer and employee			<input type="checkbox"/>	<input type="checkbox"/>
Date of commencement of employment			<input type="checkbox"/>	<input type="checkbox"/>
Date when continuous employment began			<input type="checkbox"/>	<input type="checkbox"/>

			Yes	No
Job Title/job description			<input type="checkbox"/>	<input type="checkbox"/>
Place of work and address of the employer			<input type="checkbox"/>	<input type="checkbox"/>
Pay and the interval between payments			<input type="checkbox"/>	<input type="checkbox"/>
Hours of work			<input type="checkbox"/>	<input type="checkbox"/>
Holiday pay and entitlement			<input type="checkbox"/>	<input type="checkbox"/>
Sickness and sick pay arrangements			<input type="checkbox"/>	<input type="checkbox"/>
Termination and notice periods			<input type="checkbox"/>	<input type="checkbox"/>
Pension scheme			<input type="checkbox"/>	<input type="checkbox"/>
Collective Agreements			<input type="checkbox"/>	<input type="checkbox"/>
Temporary or fixed-term employment			<input type="checkbox"/>	<input type="checkbox"/>
Disciplinary and Grievance Procedures			<input type="checkbox"/>	<input type="checkbox"/>

If you have answered **No** to any of the above questions then you will need to revise your Written Statement of Particulars. As these documents are complicated to create and there are minimum legal requirements to be met, we would recommend that you seek professional help.

Most businesses should seek to have more detailed terms and conditions of employment to help them manage their business successfully.

Depending on the nature of your business, the following non-exhaustive list of Policies and Procedures are examples of those you may wish to consider.

- Maternity, Paternity and Adoption Leave
- Flexible Working Arrangements
- Lay-Off Clause
- Restrictive Covenants
- Smoking
- The use of Mobile Phones
- Email and Internet Use
- Sickness/Absence Arrangements
- Performance Appraisals
- Bullying
- Stress
- Moonlighting
- Whistleblowing

Gemini HR Consultancy will be pleased to work with you to create or revise your employment documentation.