

10 BEST PRACTICES IN EMPLOYMENT LAW

By: Lauren M. Bernardi

To create a productive workplace and avoid employment litigation, employers should implement the following practices.

1. *Use a complete hiring strategy.* Use well crafted application forms and targeted, non-discriminatory interview questions. Conduct performance tests with potential employees and always do a thorough reference check.
2. *Use employment agreements.* A well drafted employment agreement clarifies expectations and can prevent wrongful dismissal claims and unfair competition from past employees.
3. *Use job descriptions.* A job description helps clarify the parameters of the position but it must be kept up to date. It should also stipulate that you may make reasonable changes to the employee's duties when required.
4. *Use independent contractors only where appropriate.* Make sure that you don't call an individual a contractor if he or she is really an employee. It could be a very expensive mistake, subjecting you to back payments for EI and CPP.
5. *Implement employee policies.* Make them thorough but user friendly. This helps employees understand what you expect of them.
6. *Use progressive discipline.* Discipline employees who violate your workplace rules. Give them an opportunity to defend themselves before implementing discipline. Let them know the consequences for future violations.
7. *Implement a harassment policy.* Create a policy on harassment in the workplace and educate your staff on it. An important part of staff education is training. All employees should undergo a harassment awareness program. This will help prevent harassment and will equip employees with strategies for responding to it.
8. *Conduct performance evaluations.* Tell employees where they stand. Let them know what they've done well and where they need to improve. Work with them to set improvement goals for the upcoming year.
9. *Document, document, document.* Keep proper records and a paper trail of all dealings with your employees. This includes notes about their performance (good and bad) and any disciplinary problems.
10. *Be fair.* This should be number one! Treat your employees fairly and with respect. You will be rewarded with a staff that is overall more productive and motivated.

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About Bernardi Human Resource Law

At Bernardi Human Resource Law we know that today's response to your workplace challenges can become tomorrow's precedent. We think ahead and help you make the best decisions to meet your needs both now and in the future.

Balancing your legal obligations and business objectives can be hard. We act as your trusted advisors; not simply as lawyers but as an integral part of your management team. Through our practical advice, workshops and articles, we arm you with the knowledge and tools to address rapidly changing human resource issues.

Above all, we're on your side. We work with you to prevent costly problems and when litigation is necessary, we act as strong advocates to protect your interests.

Bernardi Human Resource Law: forward thinking at work™.

About Lauren Bernardi

Lauren is a lawyer and human resource advisor with the Mississauga firm of Bernardi Human Resource Law. Lauren's advisory, training and educational services help managers direct their human resources in a strategically sound and legally appropriate manner. She is an accomplished and entertaining speaker on management and human resource issues.

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