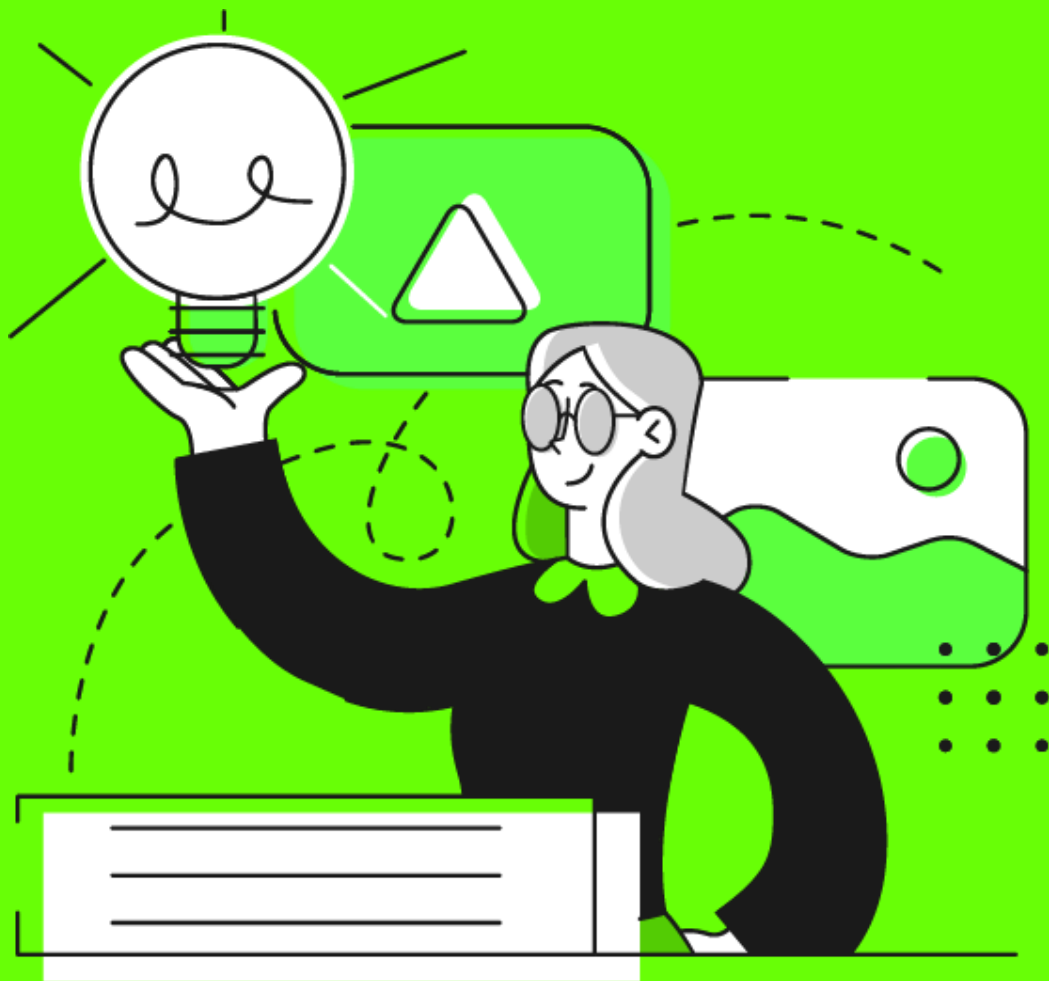


# Human Resources: Fear No More!

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*All too often Human Resources is seen to be an all-encompassing giant which is feared by many organisations. Fear for an employee and an employer, can potentially arise through inadequate processes, training, documentation, staffing, and competency assessments of and for new and existing employees. Employment itself is a contract between two parties, the Employer, and the Employee. It is a formalised agreement that results in services provided by the Employee and a range of benefits, as contracted, being provided by the Employer.*

The aim of the new LightYear Docs HR Document Suite is to reduce the fear of human resources and assist organisations to cover themselves against most employee related exigencies that may tie up valuable resources and worst still money.

The additional materials provided by LightYear Docs cover a broad area of the employment jungle ranging from commencement with the organisation, to the end of employment. There are particular documents in the employment relationship which are more essential than others. To aid with the introduction of the HR document suite, LightYear Docs has included commentary below for clients to explore the basics of human resource documents and requirements within Australia.



## **Minimum Employment Standards**

In Australia, there are separate Federal and State Awards which cover employment. Where employees are not covered by awards, there is an all-embracing NES (National Employment Standards) which provide for minimum employment conditions in Australia. These conditions can not be traded away. They include work



hours, holidays, sick and carers leave, maternity and parental leave and public holidays.

### **Employment Contracts:**

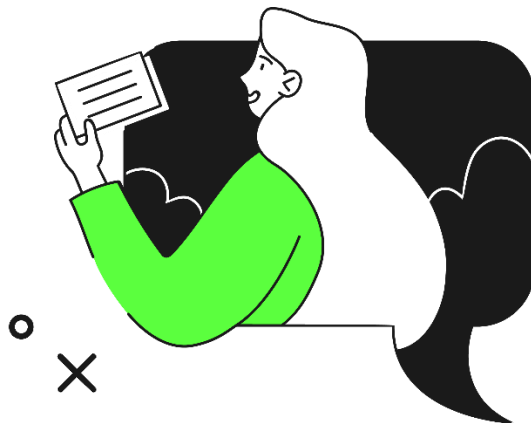
Critical to reducing disputation at any stage of the employment cycle is the requirement to have a well-structured employment contract. This covers all employees whether they are permanent full time, part time or casually employed. The employment contract exists between the person contracting and the employing organisation and will include basic items such as employee name and address, position or job title, nature of employment, location of work, hours of work, pay rates including overtime rates as required and departure/separation conditions.

The contract must be signed by both parties. Disputes can occur in these areas, but tend to occur in areas other than these, such as reimbursement of expenses, Key Performance Indicators (KPIs), payment of expenses, use of company property, private use of telephones and computers, etc. It is best to preclude disputation by adopting required clauses in the LightYear Docs Employment Contract. We can not assume, that employees will absorb all employment policies and procedures during their onboarding. If it is included in an Employment Contract or Agreement, then disputation can be avoided.

### **Superannuation Contributions**

The next piece of important information to be obtained is a copy of the employee's superannuation providers details and membership number to allow the employing entity to contribute to compulsory superannuation contributions on behalf of the employee. As at 1 July

2022 this is now 10.5%. If the employee is not a superannuation fund member, they must be presented with a default superannuation fund by the employer. Failure to pay superannuation, can potentially result in massive penalties to a company or employer including personal liability for Directors. Many companies disregard initial payment requests from the Australian Taxation Office (ATO) which can lead to infringements, and then attempt to include these as later reasons for termination. Inadequate documentation for contributions can lead to litigation between employees and the employing organisation. Superannuation is managed by the ATO in Australia, although the payments are made to the employee's choice of funds. The LightYear Docs package includes documentation for Superannuation Contributions for employees to complete.



### **Workplace Performance Management and Disputes**

Often, during the course of employment, there can be employee issues resulting from poor workplace performance or timeliness, handling of disputes with clients, work colleagues, or any one of a myriad of reasons. Workplace disputes which cannot be handled in house, are



handled by the Fair Work Commission (Fair Work). They can adjudicate on issues between employers and employees as well as promoting harmonious, productive, and cooperative workplace relations. Fair Work also investigates and enforces compliance with Australia's workplace laws. Fair Work looks at the history of documentation between parties, ensuring its adequacy and its appropriateness for the disputed event. Most often this requires timely and appropriate warnings that are factual- not emotion based. The Lightyear Docs HR suite includes forms for structured warnings. Ensuring that warnings to employee are sufficient for purpose is critical when the employee fails to rise to the expected standards of an organisation.

### **Taking the Fear out of Employment Relations**

The items mentioned so far, plus the other core HR forms, documents, procedures, and policies form the basis of employment and if structured appropriately, take the fear out of the recruitment and employment process. Employees should never commence in a workplace without correct

documentation in place, due to the potential for disputation that can occur between the parties. So, what else can we do to take the fear factor out of the employee/employer relationship?

Many organisations include policies as part of the employment contract. These can be included on some human resource platforms utilised by employers, or as part of the contract (although it can become intimidating in terms of the size of the document). Ensure that employees indicate their agreement to company policies, by signing acceptance or signing a register to acknowledge that they have read and understand the content of the policies contained. We have included many potential policies for our clients to utilise. These are likely to be required by most organisations ensuring that harmonious working relationships are maintained in firms of all sizes.

Light Year Docs will continue to update and revise potential contractual and policy conditions as required, to ensure that our clients have the best practice relationships between employers, directors, managers, supervisors, and all-important employees.

