

# Employment Law Dos & Don'ts

## Checks and Contract

### DO

- Do issue an employment contract before an employee starts work. Put time and effort into developing the contract and think about the level of the employee and the nature of their role. It might be tempting to try to save money and re-use an old template or find one online, but that will almost certainly prove to be a false economy you'll regret.
- Do check and verify the details on a candidate's CV, especially the ones which are particularly important to you. It's much easier to deal with lies discovered on a CV at the start of the relationship, than it is several months, or even years, down the line
- Do ensure you understand what Right to Work checks you need to carry out, how often and what you need to hold on record. Especially in a post-Brexit era, this will become even more relevant come 1 January 2021. The penalties for deliberately or negligently employing an illegal worker are severe (unlimited fines and even imprisonment).
- Do think about other checks you might need to carry out depending on the nature of the role. For example, criminal records checks. If it is a particularly key or senior role you may even want to use the services of a specialist organisation which can carry out all of the necessary due diligence for you.
- Do issue all employees with a copy of the staff handbook, or let them know where it can be accessed, obtain signed/dated confirmation that they have read it and draw their attention (on a regular basis) to particularly important policies. It will make it trickier to convince an employment tribunal that, for example, your specific expense policy/procedure is very important if you've never particularly highlighted it

### DON'T

- Don't be selective about which employees you ask for sight of their passport. This is not only failing your right to work checks but could result in a discrimination claim.
- Don't skim on the employment contract, just in case you missed it above, it can't be emphasised enough how important it is to get the contract right by involving a professional.
- Don't forget to include a probationary period which provides for a shorter notice period and an expectation of the relationship being under particular scrutiny during this time.
- Don't take any action to withdraw an offer or terminate employment without checking that you have allowed yourself the contractual right to do so.
- Don't get too bogged down in protecting the business to the detriment of fostering a new, good relationship. Amongst all of the legal health warnings, recruitment is a positive thing and a new employee joining should be a happy experience for all involved.