Employment Lifecycle Series

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Further to our recent Lifecycle Series article about the importance of written employment contracts, employers should also be aware of the importance of other pieces of employment documentation, namely policies and procedures.

Policies and Procedures: Tips for getting them right

The number and types of workplace policies put in place by an organisation will vary based on an organisation's needs. In our experience however, a basic suite of policies should cover:

1. Code of conduct (including conflict of interest policy);
2. Discrimination, harassment and workplace bullying;
3. IT use (including social media);
4. Workplace surveillance and privacy; and
5. Workplace health and safety.

Other areas that policies may deal with include:

1. Leave entitlements and procedures for taking leave;
2. Employee entitlements;
3. Performance management;
4. Grievances and employee complaints;
5. Customer complaints;
6. Media interaction;
7. Anti-bribery and whistleblowing;
8. Recruitment; and
9. Policies that respond to modern slavery risks (see our recent article on the new modern slavery reporting requirements).

Policies set clear expectations for employee conduct and performance and promote consistency in management decision making. They are also useful tools in articulating and consolidating organisational culture within the framework of the organisation's strategic objectives.

From an employment law perspective, policies and procedures assist in defending against claims from employees in relation to unfair dismissals, harassment, bullying and discrimination. With proper implementation and training, policies can also be used to defend claims against an employer for vicarious liability in relation to the conduct of its employees.

As outlined in a previous Lifecycle Series article – On-Boarding and Induction Essentials – this training should be part of an organisation's induction program, along with ensuring that the induction program includes providing new employees with a copy of the organisation's policies and procedures and a process by which those employees agree to be bound by those policies and procedures.

Policies and Procedures: Tips for getting them right

Key considerations

Policies and procedures should:

- be drafted to reflect the individual needs of the organisation and reflect the culture of the organisation;
- cover employees and, in some cases, contractors;
- clearly communicate expectations of conduct and performance, and advise of the potential consequences for failure to meet those expectations;
- provide flexibility to deal with issues in a way that is appropriate to each situation;
- be reviewed regularly for legislative compliance, practical application and best practice;
- not contain contractual or promissory language and not deal with the contractual terms and conditions of employment, such as restraints, confidentiality, termination of employment and employment benefits;
- be properly implemented through induction and regular training of staff, management and, where appropriate, contractors and their employees; and
- be the subject of consultation with employees and contractors where they relate to safety issues.

Undertaking a policy review

In reviewing its existing policies, organisations need to consider:

- when the policy was last reviewed;
- whether there have been difficulties implementing or applying any particular policies;
- whether disciplinary action has been taken recently in accordance with any policies;
- whether any policy has been the subject of a legal claim or dispute;
- whether there are any issues which are not dealt with in a policy but which have become issues in the workplace;
- whether staff have been appropriately trained in relation to the content of the policy, and if so, when the last training occurred; and
- if policies and procedures are amended or updated, ensure that the changes are communicated to employees, and if appropriate, are provided with additional training.

Gadens can assist organisations with reviewing their policies and procedures to ensure they best reflect and protect the needs of the organisation. We can also assist with the implementation of those policies and associated employee training.

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