

Employment performance

ALAN KNOWSLEY
LEGAL MATTERS



Underperforming employees can cost your business money, but dismissing an employee without following the law can be even more costly.

Here are a couple of tips to use, and common pitfalls to avoid:

Pre-employment checks

In some industries it is common practice to be involved in several rounds of interviews, and a series of tests, as early investment in getting the right employee is well worth it.

Smaller employers might not be in a position to afford extensive testing, but there are other ways of evaluating the suitability of a candidate.

Make sure you carefully read any candidate's CV or application form, and prepare questions for an interview that will allow you to get an accurate idea of their knowledge and skills.

Don't simply assume that because the candidate was "involved in" a project, or "shared responsibility for" a task that they are able to do it unassisted.

Ask them to demonstrate with examples what they have done in the past, and how they will contribute to your organisation.

You should also evaluate the employee's ability to fit into the organisation.

Consider things like cultural fit, communication skills, motivations, interests, and their ability to work with others.

Having all the skills is no good if the employee won't follow instructions, work well with others, or is disruptive to existing employees.

It is also a good idea to verify what they tell you, with a reliable reference or background check.

In some instances, it might be appropriate to ask a candidate to demonstrate their skills, by performing short unpaid tasks (like cook a meal, or greet customers).

It is crucial that the employee understands that he or she is not working, and that they have not been offered a job.

Rather they are still being "interviewed."

This part of the interview process must be reasonable, and you cannot disguise actual work as an interview.

If you need more time to evaluate the employee, a trial period may be more appropriate.

Trial periods

These are a fantastic way to observe an employee in the actual work environment for a more extended period of time.

If it becomes apparent during the trial period that the employee is not suitable, the employer can



Interviewing properly and giving a time period could ensure you get the right employee.

"Having all the skills is no good if the employee won't follow instructions, work well with others, or is disruptive to existing employees."

give the employee notice (according to the employment agreement) that his or her employment will not continue after the trial period.

The employee cannot lodge a personal grievance for the dismissal.

The employee can, however, raise a personal grievance for being treated unfairly on other grounds (for example, harassment or unfair disadvantage).

A trial period can be for any length of time (but not longer than

90 days) and it must be agreed to in writing before the employee starts working for an employer.

If the employee has worked for you for even just part of one day, or even in a completely different role, you cannot put them on a trial period.

Column courtesy of RAINEY COLLINS LAWYERS phone 0800 733 484 or see raineycollins.co.nz.

If you have a legal inquiry you would like discussed in this column please email Alan on aknowsley@raineycollins.co.nz.

QANTAS GLOBAL SALE

Return economy airfares from Auckland or Wellington

BEIJING FROM \$599*	PHUKET FROM \$959*	BALI FROM \$769*	NEW YORK FROM \$1,399*	JOHANNESBURG FROM \$1,599*
---	--	--------------------------------------	--	--

*Travel period varies by destination

Be in to Win

Trans-Tasman Business Class Tickets!

Like us on [Facebook.com/TravelsmartNewZealand](https://www.facebook.com/TravelsmartNewZealand) and share your travel memories with #Qantastgotmetherere to be in to Win!^A

(04) 237 5525
5 Cobham Court, Porirua
reservations@travelman.co.nz
travelman.co.nz

TERMS AND CONDITIONS APPLY. Global Sale: Sales to 05 Mar 2017. Full details including travel periods and booking conditions and competition details can be found on www.travelsmart.co.nz/type/146/Qantas-Global-Sale

Learn to Play

♠

BRIDGE

♠

♥

Fun

♥

♦

Social

♦

♣

Challenging

♣

♣

For all ages

♣

Ten Introductory Lessons

Monday evenings, 7.30 - 9.30pm
Starting 13 March
at
Kapi Mana Bridge Club
8 Linden Avenue, Linden

\$50 gets you 10 lessons, notes and Club membership to 31 March 2018

Call David on 233-1866 to register or for more information

BARRY & SARGENT

OPTOMETRISTS

7 HARTHAM PLACE SOUTH, PORIRUA
237 8323 or Wellington 473 7047
www.barryandsargent.co.nz

We are open Saturdays in Porirua 9am to 12pm.