



ramsay
employment law

New Policies and Implementation

Do I need new policies?

Employment Laws are consistently being updated, reviewed, replaced, re-considered and amended. The potential pitfalls for an employer are clear: what works one day may not work the next.

To ensure you cannot be criticised, many employers elect to regularly review their policies and procedures to ensure they do not fall foul of new laws. In the last year alone we have witnessed changes to laws governing retirement, agency workers, equal opportunities, equality in the workplace, maternity and paternity rights to name a few.

Implementing new policies

For policies relating to remuneration, expenses, working hours or post-termination restrictions; contractual terms may be applicable. For this you should have evidence of each employee agreeing to them, ideally a signed document or email confirmation. An alternative approach would be to explain in writing to each employee that the policies are contractual and will be deemed to have been accepted unless the employees notifies you to the contrary by a specified date.

Either way, depending on the nature of the terms there may be some difficulty enforcing new policies introduced after an employment contract was first entered in to.

Should I tell employees when I plan to change policy?

Although it is not actually legal requirement, irrespective of whether the policies are to be contractual, a period of consultation before they come in to force will almost always be sensible. This could take place with any trade union that you recognise, or an employee representative body if you have one. Alternatively it could take place with, or at least be offered to, employees on an individual basis. A suggested process would be to send all employees the policies in draft form with an explanation of when they are intended to come into force and the reasons for them, and then hold meetings to discuss any queries or concerns. You should be prepared to take on board, and if appropriate amend, the policies based on the feedback you receive before you implement them.

There are a number of advantages to consulting employees before implementing the policies. If you do recognise a trade union then failing to consult may be a breach of a collective agreement. Your employees are more likely to readily accept the policy if they have been consulted on it, particularly if it has a significant impact on the way they work or their benefits, and the consultation process may even produce changes which improve how the polices operate when they do come in force.

Companies who are seeking to implement, review or update existing policies should contact Ramsay Employment Law for clear and objective advice.

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