

Can't Buy Me Love

The Beatles first put it in [song](#) many years ago (sooooo many years ago) and the theory still holds strong today – especially in the workforce.

Most employees don't leave a business for a few dollars more. The majority leave because they are unhappy with their boss or the business in general. [Interesting little article here discusses](#) the reasons why cash is not an incentive to stay.

Businesses that give staff the resources, respect, recognition and a workplace culture that is strongly team focused are more able to retain and motivate staff.

Whenever bosses are asked in surveys what motivates staff the most invariably the answer of more money wins out. Sometimes staff do move for more money – but it's usually 'a lot more money'. Hello Gary Ablett Jnr and Tom Scully if you are reading this.

In an age (internet) where employees have more access to information about workplace rights and conditions, it is now harder to retain and motivate employees. It is also harder to attract quality staff as word about a business's reputation gets around so much quicker these days.

Companies need to look inward at their culture, their values and what makes them an employer of choice. What have they got in place that makes them a great place to work? Why would an employee want to stay and why would candidates want to join? Whether you have 3 staff or 30, connecting with your staff is vitally important...

Book a time with me to discuss.

And I bet you enjoyed the Beatles link...

WorkShop: Hire Manage and Fire

"You're only as good as the people you hire." – Ray Kroc

October 24th at 4pm at 18 Wilsons Lane, Lilydale
Presented by Darren Cassidy.

This workshop is ideal for small to medium business employers looking to take the stress out of employing people and start to enjoy their business and get more from their employees.

Many small to medium employers are hesitant and insecure about employing and managing staff these days. But it needn't be so.

Practical tips and advice that will give you the confidence to employ great staff, keep them and get the most from them.

For more information and to register to attend: [Click here](#).

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Alcohol & Drug Testing Green Light

After a [recent landmark ruling by Fair Work Australia](#), building industry employers will now have the power to enforce drug and alcohol testing. It is expected that this will spread to other industries as well, quite quickly.

So does this mean all employers can now turn up tomorrow and start testing and firing their employees? Mmmmm...Not really...

A few steps need to be followed first. Firstly implement a solid Alcohol and Drug workplace policy and induct all employees into it. Make sure they sign off and agree to abide by the policy. If you test an employee and they return a positive reading – make sure you tell them straight away that they are at risk of having their employment terminated. Give them an opportunity to defend themselves and I would suggest they be tested by a third party (local police station) that conforms to the standard AS/NZS 4308:2008 & AS 4760:2006.

If you do decide to fire them, then do it on that day. Do not wait a day or two. Unfair dismissal claims have been won because employer's dilly dallied for a couple of days.

The key here is procedural fairness. Show (document) that it has been followed and you shouldn't have any problems with letting someone go due to a positive drug and alcohol test.

'Tis The Season to be Jolly...

It's that time of the year when companies start organising the office Christmas party, if they haven't already.

For many employers the after party headaches are not caused by a hangover, they are caused by the behaviour of staff at the party. Sexual harassment, bullying, violence and internal staff disputes all go up at this time of the year.

If you are going to put on a party for your staff – be prepared. [This article I wrote a while ago gets plenty of hits every year](#). Have a look at some of the tips and start thinking ahead.

If you think the staff are likely to act up at the party – is it time to look at the workplace culture and values of the business?

6 Top Tips for Firing

1: Make sure you have a clear reason. Is it a downturn in business, poor behaviour, poor performance or a contravention of a workplace policy?

2: Procedural fairness. Make sure that for whatever reason you are firing someone that you follow a procedure and the employee has been given a right of reply, an opportunity to improve or counselling on a redundancy.

3: Involve a third person on conversations. Best tip is to get a third person in on the counselling or discussions on the situation with the employee. Let them bring along someone as well. Don't make it a "your word against theirs" situation.

4: Have evidence. Make sure that the reasons for dismissal are clear and unambiguous. Do due diligence and investigate any allegations of wrong doing, poor behaviour or poor performance. Cover all of your



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bases.

5: Document everything. Firing someone and not having anything documented is inviting trouble. Workplace policy, performance review, counselling sessions, training, termination letter and any other interactions should all be documented. In an unfair dismissal claim they will be asked for.

6: Let them go ASAP. Do not terminate someone and let them work out their notice period. You've just created a very unhappy employee who will undermine the business in many creative ways.

Super A-Mart: \$1.3M in Back Pay

All a business needs is one disgruntled employee who gets advice and a business can suddenly be in a world of financial pain.

There are plenty of recent stories about businesses forking out back pay every month, [but this one takes the cake for the moment](#). The employee initially complained about what they had been paid, which opened the door for Fair Work Australia and its inspectors to dig a little deeper.

Employers need to be very careful around their employees work hours and what constitutes their start and finish time, information sessions and other work related meetings outside rostered shifts.

On top of the \$1.3M in back pay the company will need to pay out a \$120k donation and spend time and more money on complying with the Enforceable Undertaking handed out by Fair Work Australia.

Keep your staff happy and get compliant with the rules.

The World Ends in 2012

Well, it will anyway for any business not ready for the new OHS laws due in January 2012. Only a few months away.

Penalties will triple, responsibilities will change and employers will need to be able to show how they have met compliance with OHS.

Last month the Victorian Govt applied to the Commonwealth to defer the new laws for 12 months. So we'll wait and see if that is the case. [Use this link to get some more information on the new laws](#).

Handy "Quote"

"Companies have three responsibilities: 1) make a profit, 2) satisfy employees, and 3) be socially responsible." - Peter Drucker

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Please feel free to pass this newsletter on to friends, colleagues or business contacts.

The content of this newsletter is not intended as legal advice and should not be considered as such; it is recommended that you always obtain formal legal advice relevant to your circumstance.

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