HR Issues in the Workplace

Presented by NSW Industrial Relations
HR Issues in the Workplace

TOPICS

NSW IR conducts Human Resource Workshops to provide guidance and resources to employers relating to:

- Managing employees
- Workplace Policies (The rules)
- Dealing with Bullying
- Negotiating at Work
- Useful Information
- Contacts
HR Issues in the Workplace

MANAGING YOUR EMPLOYEES
Managing Employees

- Motivating your employees
- Communication
- Unfair Dismissals
- Managing Performance
Managing Employees

Motivating your employees

- What motivates your employees
  - Money
  - Security and Safety
  - Social aspect of the workplace
  - Recognition and Reward
  - The Challenge
Managing Employees

Motivating your employees

- Have strong organisational values
- Focus on the organisation's purpose
- A culture that encourages good working relations
- The workplace environment including the supply of adequate resources and your employees' behaviours
- Encourage innovation
- Autonomy, Purpose and Mastery
Managing Employees

Communication

❖ We communicate thru various means
  • Face to face
  • Emails
  • Phones
  • Social Media

❖ Ensure that your workplace culture encourages clear communication through active listening
Managing Employees

Unfair Dismissals

- **Unfair dismissal occurs** if FWC is satisfied that:
  - the person was dismissed, and
  - the dismissal was *harsh, unjust or unreasonable*, and
  - the dismissal was not consistent with the Small Business Dismissal Code (less than 15 employees), and
  - the dismissal was not a case of genuine redundancy.
Managing Employees

Managing Performance

- Give your managers the tools and support to manage employees effectively
  - Communicate job expectations
  - Regular performance reviews/employee discussions
  - Have policies and procedures/code of conduct that encourages appropriate workplace behaviours
  - Encourage the use of your grievance and dispute resolution process
  - Have a fair and transparent performance management/disciplinary policy and procedure
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Workplace Policies
HR Issues in the Workplace

Workplace Policies

What is a Policy?

- A statement of purpose
- A means for employees to identify acceptable and unacceptable behaviours

A policy communicates

- Organisational values
- Expectations of behaviours
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Workplace Policies

Why have Policies?

- Meet legislative requirements
- Establish guidelines on key aspects of people management
- Ensure HR issues are dealt with fairly & consistently
- Clarify expectations and requirements
- Risk Management
  - Provide protection in disputes
  - Protect interests of the business
HR Issues in the Workplace

Workplace Policies

Types of Workplace Policies

- Code of Conduct
- Disciplinary, Termination
- Workplace Bullying and Harassment
- Confidentiality and Intellectual Property
- Alcohol and Other Drugs
- Leave policy
- Flexible work practices
- Use of employer equipment and resources
- Internet, email, social networking
- Company functions and events
HR Issues in the Workplace

Anti-Bullying
Workplace Bullying

Anti-bullying – 1 January 2014

- A worker in a constitutionally covered business who reasonably believes that he or she has been bullied at work can apply to the Fair Work Commission for an order to stop the bullying.

- A worker is bullied at work if:
  - An individual or group of individuals repeatedly behaves unreasonably towards the worker or a group of workers which the worker is a member; and that behaviour creates a risk to health and safety.

- Does not apply to reasonable management carried out in a reasonable manner.
Workplace Bullying

Anti-bullying – 1 January 2014

- FWC required to deal with an application within 14 days

Outcomes

- Fair Work Commission can make order to prevent a worker from being bullied by individual or group of individuals
- Focus on resolving the matter and enabling normal work relationships to resume
- Commission may make orders requiring:
  - The individual or group to stop the behaviour
  - Regular monitoring of behaviours by an employer
  - Compliance with an employers anti-bullying policy
  - The provisions of information/support and training to workers
  - A review of the employers workplace bullying policy
Workplace Bullying

A person to whom an order to stop bullying applies must not contravene a term of the order

- If breached a civil remedy provision means that the person affected can apply to a court for a financial penalty against the wrong doer (including costs)

Appropriate Actions

- Ensure your Anti Bullying Workplace policies and complaint processes are updated (train employees about the policy)
- Provide training to all staff on what is and isn't bullying
HR Issues in the Workplace

Workplace Negotiations
Workplace Negotiations

Negotiation

A workplace context:

The employer and employees (or their representatives) seek to reach a mutually acceptable outcome or agreement that sets the environment that they will work within or to resolve an issue of disagreement.
Workplace Negotiations

Why Negotiate

- enterprise bargaining
- workplace flexibility
- motivating the workforce
- resolving issues at the workplace
- recognition and rewards
- providing extra conditions and benefits
- reducing staff turn over
**Useful Information and Contacts**

**NSW IR Contacts and Services**

* NSW IR is working with NSW businesses to help them better understand their rights and responsibilities as an employer. Through a comprehensive workshop and webinar program NSW IR are providing employers with information and tools to deal with Industrial Relations issues and Human Resource issues.

* Face to Face IR and HR Workshops include:

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Useful Contact & Links

**NSW Industrial Relations - 13 16 28**
- Employment Records and Payslips webinar
- National Employment Standards (NES) webinar plus many other hot topics
- Transitional Arrangements in Modern Awards
- Workshop Program
- Long Service Leave
- Public Holidays
- Entertainment Industry
- Taxi Industry

**Fair Work Ombudsman - 13 13 94**
- RSS alerts – Really Simple Syndication
- Modern Award Finder / Pay and Conditions Guides
- Fact Sheets, templates, pay tools and other resources for employers
- Guidance Note – Transitional Arrangements