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EMPLOYMENT



community resource kit



For full details and contents of the kit please read the introduction at www.community.net.nz/how-toguides/crk.

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Please note that the information in this section is not intended to be legal advice and the law can change regularly. Therefore the authors of this publication take no responsibility for the results of any action taken on the basis of information contained in this section or for any errors or omissions. Instead readers should talk to a lawyer or their local Community Law Centre for further legal advice. More detailed information on employment matters can also be obtained as indicated in this section.

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pre-recruitment considerations

introduction

Many organisations start life with an all-volunteer base and then employ paid workers as activities increase, needs grow or resources emerge. Taking on people for the first time or adding paid workers to your volunteer base should be considered carefully.

This section on employment is divided into two parts:

- **Part 1** (this part), which covers matters you need to think about **before** recruiting paid and/or volunteer workers (i.e. pre-recruitment considerations).
- **Part 2** (next part), which will deal with a number of things you need to do to be a good "employer" **after** you've decided to recruit. Topics will include:
 - A. recruitment
 - B. induction
 - C. training and development
 - D. performance monitoring
 - E. managing disputes
 - F. managing volunteers.

words used

Throughout this section the words "recruitment" or "recruiting" or "recruit" are often used. These are loose terms that are meant to describe both the acts of bringing volunteers on board your organisation and hiring paid workers.

The term "employer" is also used in a general way to refer to the person or persons within an organisation responsible for managing workers – paid and unpaid.



Pre-recruitment checklist

Before recruiting, ensure that you have thought about and can satisfactorily answer the following questions (some of which are covered in more detail below):

- What kind of work do you want done? Do you really need to recruit someone or can the work be done using existing people?
- Can the work be done by recruiting more volunteers rather than paid workers?
- What costs are involved in recruiting a worker e.g. a salary, on-going training?
- What are the potential impacts recruitment might have on your organisation e.g. the impact paid workers may have on volunteers?
- Do you know your legal obligations as an employer?
- Are you familiar with the other general obligations involved in being a good employer e.g. how to provide proper induction and manage disputes etc?
- What are the different employment options available to you e.g. volunteers, fixed-term or permanent employees, independent contractors, student placements, internships, trainees?
- Are there good financial and administration systems in place?
- Is there a finance/funding plan in place?
- Are there members of the group who can provide support and supervision for a worker?
- What work environment will be provided for the worker e.g. office space?
- What equipment will the worker require to do the job?
- What human resource policies and procedures are in place?

budgeting for recruitment

Before an organisation considers recruiting, a preliminary budget should be drawn up, which includes the:

Initial costs of –

- advertising
- labour – the organisation's time plus any paid interviewers etc
- vehicle running – the person's own or the organisation's car
- travel – if the organisation pays applicants to travel
- accommodation – for applicants from out of town
- incidentals e.g. photocopying, postage, toll calls
- major purchases – office furniture, stationery, a vehicle for the worker
- other equipment.

Ongoing costs of –

- salaries (including PAYE, ACC levies, holiday pay, increments, perhaps bonuses)
- relieving staff to cover for illness and leave entitlements of worker
- training and personal development (PD)
- vehicle running
- tea/coffee
- project funding – materials, advertising, postage etc
- phone, power, rent
- repair and maintenance of equipment
- travel – air fares etc
- fees for support networks and/or supervision.

Most of these costs will apply whether the worker is a paid employee or volunteer. Think about how such on-going costs will be funded.

TIP

human resource policies and procedures

Another part of preparing for recruitment is making sure that you have your human resource policies and procedures in place (see also *Section 5 – Policies*). Up-to-date, clear policies and procedures on recruitment and staffing make the hiring process straightforward and less time-consuming. Policies on e.g. probation (trial periods), employee orientation, workplace health and safety, and training and development etc clarify what management and employees expect of each other. Human resource policies are also a great source of information for a new worker.

legal obligations

ACTS APPLYING TO PEOPLE IN YOUR ORGANISATION

Finally, before recruiting, it's advisable to be aware of the legislation applying to people in your organisation and how to comply with it. Consider your legal obligations towards these workers as a good "employer" and your potential liability for their actions.

You will need to consider whether you want employees, volunteers or independent contractors working for your organisation, because the obligations you will owe to each of them are significantly different. You will generally have more legal obligations towards paid employees.

The following table lists and briefly describes the main Acts that are currently relevant to any employer. It pays to be familiar with the full details of these Acts which, as a group, represent employment law in New Zealand. But, remember that the law changes so it's a good idea to visit www.keepingitlegal.net.nz for the latest updates on these Acts.

ACT NAME	ACT APPLIES TO	DETAILS
Criminal Records (Clean Slate) Act 2004	<ul style="list-style-type: none"> employees¹ volunteers contractors job applicants 	Under this Act, an individual who has a minor conviction and has not re-offended for 7 years, does not have to declare this information in most circumstances.
Employment Relations Act 2000 (replaced the Employment Contracts Act 1991) (see also separate section below)	<ul style="list-style-type: none"> employees 	This Act requires employees and employers to deal with each other in good faith and not to do anything that would, or would be likely to, mislead or deceive each other, whether directly or indirectly.
Equal Pay Act 1972	<ul style="list-style-type: none"> employees 	This Act prohibits employers from differentiating between employees solely on the basis of sex in areas such as conditions of work, fringe benefits and training opportunities, promotion and transfer.
Health and Safety in Employment Act 1992	<ul style="list-style-type: none"> employees volunteers who work on an ongoing and regular basis as an integral part of the business 	The main aim of this Act is to “provide for the preventions of harm to employees at work”.
Holidays Act 2003	<ul style="list-style-type: none"> employees 	This Act sets out employees’ entitlements to holidays and holiday pay. The Act also covers employers’ obligations in relation to the timing of annual leave and calculating holiday pay.
Human Rights Act 1993	<ul style="list-style-type: none"> employees job applicants volunteers contractors 	This Act prohibits discrimination on certain grounds.
Immigration Act 1987	<ul style="list-style-type: none"> employees 	Under this Act, all employers must ensure that tax code forms completed by employees include a signed declaration that the employee is entitled to work for the employer. Non-residents require a work permit to work in New Zealand.
Minimum Wage Act 1983	<ul style="list-style-type: none"> employees trainees (in part) 	This Act sets minimum wages for employees, the rate depending on the employee’s age. The youth minimum wage also applies to trainees enrolled in industry training programmes.
Parental Leave and Employment Protection Act 1987	<ul style="list-style-type: none"> employees 	This Act contains the leave entitlements of male and female employees when a child is born or adopted under the age of 6, provided the employees have worked for the same employer for the period prescribed in the Act.

¹ “Employee” in the table means a paid employee as opposed to an unpaid volunteer or independent contractor.

PART 1: PRE-RECRUITMENT CONSIDERATIONS

ACT NAME	ACT APPLIES TO	DETAILS
Privacy Act 1993	<ul style="list-style-type: none"> employees volunteers contractors 	This Act contains rules for the collection, storage, disclosure and use of personal information about employees, volunteers and contractors.
Wages Protection Act 1983	<ul style="list-style-type: none"> employees 	This Act requires employers to pay the employee the entire amount of wages payable unless the employer is entitled to make certain authorised deductions.

THE EMPLOYMENT RELATIONS ACT 2000

Good faith

The Employment Relations Act 2000 (the Act) is one of the main pieces of legislation relating to employment. It replaced the Employment Contracts Act 1991 and requires employees and employers to act in "good faith". That means they must deal with each other honestly and with mutual respect. Good faith and honest communication are particularly important during the hiring phase.

At the most basic level, good faith means employers are not allowed to mislead or deceive their employees or unions, and employees in return must not mislead or deceive employers. Employers also have to respect the authority of their employees' union and cannot discriminate for or against anyone based on their union membership.

Who does the Act cover?

The Act applies to every employee and employer, so a community organisation with any paid staff must conform to it. An employer may be an individual, a company, partnership, trust or incorporated society. An employee is any person employed by an employer to do any work for hire or reward (e.g. wages, salary or commission). Volunteers and independent contractors are **not** "employees" under the Act.

The Act now requires that all employment agreements must be in writing. For there to be an employment agreement, a position must be offered for hire or reward, and the offer must be accepted. The terms of the agreement should be negotiated before the offer is made.

LEGAL OBLIGATIONS OWED TO WORKERS

To follow is a checklist (taken from *Keeping it Legal E Ai Ki Te Ture*) with questions to test your knowledge of the legal obligations and liabilities in relation to the recruitment of new employees, volunteers and independent contractors. The checklist may also indicate how well an organisation is doing (or not doing) with current workers.

If you answer "no" or "unsure" to any of these questions, you should make it a priority to find out the relevant information which is given in *Keeping it Legal E Ai Ki Te Ture* (Fact Sheets 9 and 16) available online at www.keepingitlegal.net.nz.

✓ **Checklist of obligations owed to workers**

QUESTION	YES OR NO OR UNSURE?
Obligations to employees:	
○ Do you know which workers in your organisation are considered to be employees under the Employment Relations Act 2000?	
○ Do you understand the differences between an employee and an independent contractor?	
○ Do you understand your potential liability for the actions of your employees?	
○ Do you understand your duties and obligations as an employer?	
○ Do you understand the obligation of employers, employees and unions to deal with each other in "good faith"?	
○ Do you understand the role of unions and their rights of access to the workplace?	
○ Do you have procedures or policies in place for:	
• checking whether new employees need any special licences or permits?	
• warning and disciplining employees and giving them the chance to improve?	
• handling employment disputes, including personal grievances?	
• taking leave, including parental leave?	
○ Do you understand the differences between independent and collective employment agreements?	
○ Do you understand the processes relating to work-related injuries, such as ACC levies, rehabilitation and compensation?	
Obligations to volunteers and contractors:	
○ Do you know which workers in your organisation are considered to be volunteers?	
○ Do you understand what obligations you owe to your volunteers?	
○ Do you understand your potential liability for the actions of your volunteers?	
○ Have you checked whether any special licences or permits are required for your volunteers' roles?	
○ Do you know the rules governing reimbursement of volunteer expenses?	
○ Are you aware of the ACC entitlements of volunteers?	
○ Do you know which workers in your organisation are considered to be independent contractors?	
○ Do you understand what obligations you owe to your contractors?	
○ Do you understand your potential liability for the actions of your contractors?	

TIP

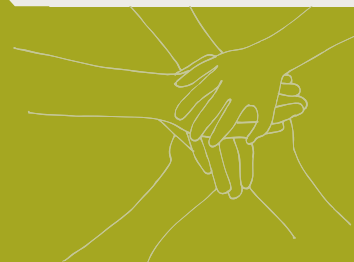
For further checklists on:

- managing health and safety
- human rights obligations
- privacy obligations
- intellectual property rights and obligations
- torts (civil) and criminal liabilities
- caring for your premises and environment (so that they're safe to work in),

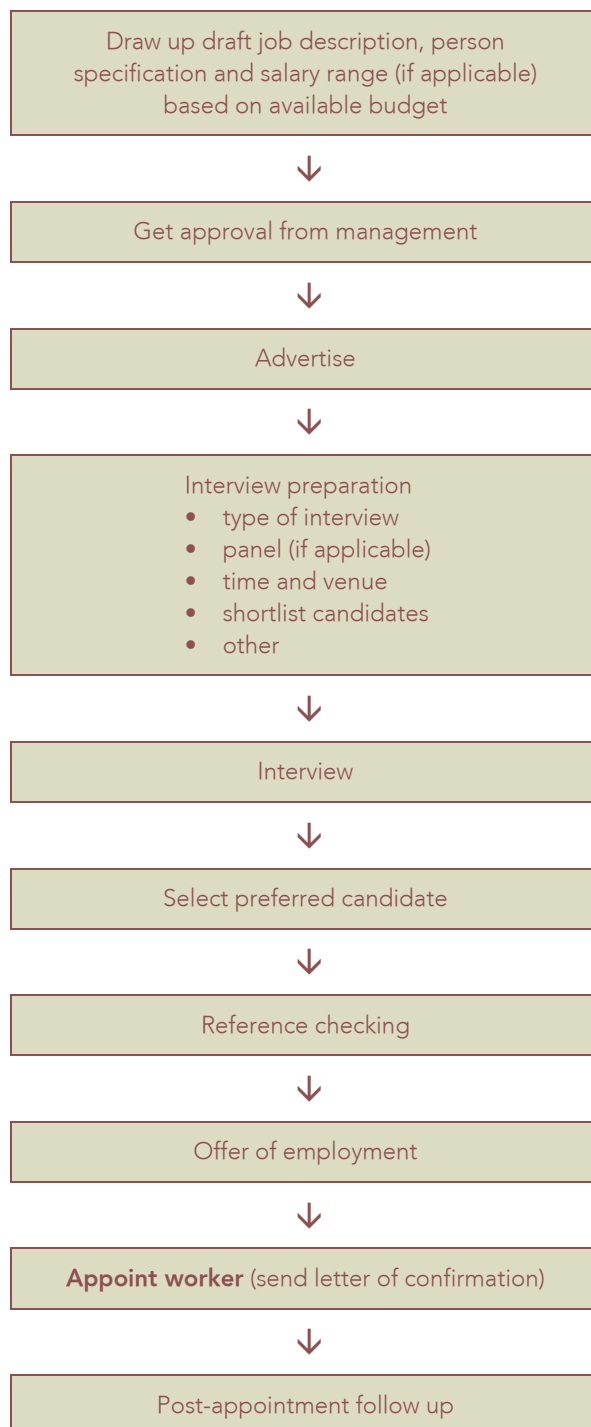
refer to *Keeping it Legal E Ai Ki Te Ture* (Fact Sheet 3: Laws you need to know about – people, activities, premises and environment) – www.keepingitlegal.net.nz.

part 2

A: recruitment



Recruiting new workers can be the biggest investment an organisation can make in terms of time and/or money, so it needs to be done well. The following flowchart outlines the various stages in the recruitment process.



legislative influences

Keep in mind that certain legal requirements, especially the Employment Relations Act 2000, can impact on each stage of the recruitment process. Therefore it's important to use good hiring practices when:

- advertising for suitable applicants
- rating and short-listing applicants
- interviewing and selecting a successful candidate
- documenting and making the offer
- finalising the agreement and commencing the employment relationship.

See Part 1 for further details on the legislation that you should keep in mind when recruiting.

TIP

defining the job

Two elements involved in getting the right worker in the right job are:

- defining the task (job description)
- deciding what sort of person would do it best (person specification).

JOB DESCRIPTION

What's a job description?

A job description (or JD) is a way of formalising an organisation's expectations of a worker (see following checklist). It shows the worker what their contribution will be to the overall goals and objectives of the organisation. It is very important in affirming or valuing a person's contribution to the organisation. It is also important when it comes to clarifying their roles and responsibilities within the organisation.

A job description should:

- be concise and non-ambiguous
- accurately reflect the role and outline why it exists in the organisation
- describe the job and not the person (see "Person Specification" section)
- use facts and not opinion.

(From *People Management*, SPARC).



Job description checklist

Although job descriptions can vary, it is important that both the employer and worker understand what the job is and how it is to be done. Some of the main components of a job description include:

- the title of the position
- the purpose of the role
- who the person in the position will report to
- overall organisational goals
- the key responsibilities of the position
- list of working relationships (internal and external)
- any lines of responsibility
- any delegations of authority
- any decision-making responsibilities
- required capabilities
- key tasks and duties and any relevant deadlines
- dated signatures of the required manager(s) and employee
- the date the job description was last reviewed.

All positions should have a JD, whether they are for unpaid or paid workers or the management committee. Most funding bodies will require an organisation to have a JD written for a position before they will consider any application to fund a salary for it. Refer to SPARC's *People Management* (www.sparc.org.nz) for a sample job description.

TIP

PERSON SPECIFICATION

The person specification outlines the characteristics of the person best suited to do the specific tasks of the job. It should be drawn up before the job is advertised. It helps to clarify what qualities and skills are important for the applicant to have.

The job description and person specification together can be used to:

- make up an advertisement
- provide information for applicants.

advertising

How you attract the best applicants depends on the job, how much money you are able to spend on advertising, and how much time you have.

Some possibilities for advertising are:

- advertise internally – there may be an existing employee who is ready for a promotion
- engage a recruitment agency – this may seem costly but an agency can reduce the time required to shortlist applicants etc
- Work and Income's free service
- targeting industry journals, magazines and websites
- word of mouth
- local community networks, including community radio
- newspaper advertising (national and/or community)
- newsletters

- notices in local shops
- a leaflet in local letter boxes
- various iwi networks e.g. Māori Women's Welfare League branches, regional rūnanga (committees), iwi radio stations
- the internet e.g. www.community.net.nz – it's free
- graduate recruitment officers at local training providers and tertiary institutions
- direct approaches to potential applicants.



Advertisement checklist

An advertisement should contain the following key elements (see also the following sample):

- use the same title as the JD
- describe the organisation (in 1 or 2 sentences)
- outline the major responsibilities and purpose of the role
- define the level of skill and experience the role requires
- detail benefits, rewards, training etc
- tell the candidate how (e.g. by email or in writing) and when to apply
- be clear about the closing date and time.

Sample advertisement

ABC Community Development Coordinator (fixed term)

Do you enjoy working with community groups? Do you like taking projects from ideas to fruition? Do you like to see communities succeed? Then the role of Community Development Coordinator could be for you.

If you are an enthusiastic, organised, and talented person who is able to motivate people, we would like to hear from you. This position offers exciting challenges. Based in (location), the position involves implementing community-driven initiatives, planning and projects, along with promotion of the area, its people and products.

Apply in Writing to:
The Management Committee
[name and address]

Applications close: Monday 14 August 2006

For a detailed job description and application pack contact:
[name, phone, email contact details]

TIP

- The employer is responsible for what is advertised. Therefore ensure it is worded accurately (get it proof read) and is not discriminatory (e.g. advertising on the basis of age, gender, ethnicity is illegal).
- A checklist for what to include in a job advertisement is also available from the Department of Labour by calling free phone 0800 20 90 20 or by visiting www.ers.dol.govt.nz/publications/pdfs/checklist_job_description.pdf.

interviews

PREPARATION

Before an interview takes place, you will need to:

- decide what type of interview is best
- select an interview panel
- shortlist the candidates
- set the interview time(s) and venue(s)
- do some background preparation and familiarise yourself with the job, organisation and candidate.

What type of interview?

You need to identify the best method for interviewing your candidates. These may include:

- a one-on-one discussion or an interview panel (ideally)
- a written project or exam
- a workshop scenario
- skills and/or attribute testing
- a mix of some or all of the above
- phone interview for applicants unable to travel.

TIP

Remember to use the same method you chose for all applicants for consistency and advise applicants of what method will be used when you set up the interview.

Select interview panel

Ideally have more than one person interviewing candidates if possible. A panel of two or three

would be good – any more and it may be intimidating for the candidates.

When selecting a panel, give consideration to:

- gender balance
- people with experience relevant to the advertised job
- cultural balance including tangata whenua representation
- the person who will supervise the position
- potential conflicts of interest e.g. it is not appropriate for family members or partners to interview one another.

Shortlist candidates

- Each member of the interview panel should read each application thoroughly, and check each applicant's skills and experience against the ideal person specification. Prepare a template to use for this process.
- Each member of the interviewing panel should rate each applicant's skills and experiences against each key attributes of the job description. The final scores will help identify and clarify a shortlist.
- The entire interview panel should then meet to discuss their individual scores and considerations in order to select an agreed shortlist of candidates. A shortlist of up to five applicants for each position is workable. This should provide a good selection of candidates and will require a full day of interviewing.
- Those not being interviewed can be notified in writing.

TIP

Applicants have the right to have their applications treated confidentially. That means the interviewers must not talk about who has applied or disclose any information about the applicants to anybody except appointed referees or other interview panel members. Those not selected for interviewing, can be notified in writing at this stage (see following sample letter).

Sample letter for a non shortlisted candidate

[name]
[address]
[city]

[today's date]

Dear [name]

Re: Application for position [job title]

Thank you for your application for the above position. Due to the high calibre of candidates who applied for this role, I regret to advise you have been unsuccessful on this occasion. I wish you all the best for the future and thanks again for your interest in [organisation's name].

Yours faithfully

Chief Executive

(From *People Management*, SPARC).

Interview times

- Timetable the interview date(s) – it is best to try to set aside a full day to interview the applications or spread them over 2 days if need be. If the panel is interviewing for a full day, make sure there is time set down for a lunch break.
- Contact the shortlisted applicants to arrange interview times. Most interviews should be able to be conducted within 45 minutes with at least half an hour between interviews, for recording how the applicant scored against the critical factors you want assessed at the interview.
- Check that all shortlisted applicants have a job description and other appropriate information e.g. pamphlets, the organisation's annual report, etc.
- Check whether applicants want to bring whānau support, and how many, so they can be made comfortable e.g. with enough chairs and a room big enough etc.
- Confirm the interview times with a letter.

- Make sure all the interview panel members have a timetable of who is being interviewed and when, and a copy of each person's curriculum vitae.

Interview venue

The interview room should:

- be quiet and comfortable
- have enough chairs, appropriately arranged (preferably with a table)
- be clean and tidy
- be a comfortable temperature and well lit
- have drinking water available (and coffee/tea if possible)
- be set up so the sun won't be shining in the face of the applicant
- have the phones diverted or off the hook.

Background preparation

Before the interview:

- familiarise yourself with all aspects of the role so you can explain the job to the candidates and select the right person for the job

- familiarise yourself with the organisation so that you're in a position to clearly outline the benefits of joining it at the interview
- familiarise yourself with each candidate's CV and the examples and information they supplied within their application form.

Other preparation

Before the interview, panel members should also:

- meet to develop a list of interview questions (based on certain critical factors) and agree who will ask what questions. It is important to ask questions that require the applicant to demonstrate their experience in that area e.g. "Tell us about (an) example(s) of when you ..."
- ensure that interviews will not be interrupted on the day
- ensure they bring all the necessary paperwork e.g. a copy of the application and CV, and pen and paper to take notes
- greet applicants as they arrive and make them feel comfortable.

CONDUCTING THE INTERVIEW

Treat all applicants with respect. Remember that applicants and their whānau are visitors and should therefore be hosted appropriately. To follow are various checklists that would be useful for the different aspects of the interview process.



Interview structure checklist

- meet and greet – introduce the candidate to all members of interview panel and outline roles
- offer tea, coffee, water and make the candidate comfortable
- explain the interview process – e.g. time allocated, let them know you will take notes, invite them to ask questions
- overview of the organisation – include information on the organisation's history, structure, mission and values
- overview of the role – include information on reporting relationships, technical requirements, a typical day, expectations
- ask the candidate to briefly outline his/her career history and relevant experience
- ask structured questions around technical and behavioural competencies (see section below on structured interview questions)
- clarify issues as required – e.g. gaps in career history, reasons for leaving previous jobs, why they applied for the role
- discuss the culture and environment of the organisation – e.g. social events, work hours, computer facilities
- discuss the benefits of joining the organisation – e.g. career progression, job satisfaction, training, remuneration and benefits package (often not until second interview stage)
- allow the candidate to ask questions
- close the interview – explain the next step in the process – e.g. when they can expect to hear back from you (be realistic with your timeframes and be true to your word), second interview, reference checking, who they can contact if they need to discuss anything
- thank them for their time and see them out.

(From *People Management*, SPARC).



Whānau support checklist

If the applicant has brought whānau support, then incorporate the following into your interview structure:



the most senior member of the panel should welcome and greet the applicant and their whānau. In some situations it may be appropriate to begin the interview with a karakia and formal mihi and give the whānau time to respond



a member of the interview panel should then establish the ground rules for the interview. Be clear about when it is appropriate for the support group to have input. Some options are:

- the whānau or support group can be asked to speak on behalf of the applicant at the beginning and end of the interview. The questions themselves would then be directed at the applicant
- the whānau or support group could be invited to supplement the candidate's answers to questions regarding his or her background and experience, either by prompting the applicant or by volunteering additional information; and specific questions about the applicant's background and experience could be directed to the whānau



it should be made clear that the panel are there principally to gather information about the applicant's ability to do the job



when closing the interview the most senior panel member should offer both the applicant and their whānau the opportunity to ask questions and raise issues. Depending on the composition of the panel, it may be appropriate for someone on the panel to close the interview by formally thanking the whānau for their support of the applicant and by leading a karakia.



Interview questions checklist

The panel should remember to:



ask open questions – how, what, why, who, when e.g. "what can you tell me about... what examples of...?"



ask probing questions – those that allow you to dig for more information especially when you haven't got the answer you were initially seeking e.g. "why did you leave your last job...?"



ask about actual experiences and situations



include some questions designed to test attitudes such as "what would you do if...?"



avoid closed (those requiring a "yes" or "no") and multiple (numerous questions asked at once) questions



keep an open mind – the last applicant interviewed may be the best



be flexible in asking questions – if an applicant has answered two questions with one response, move on



give the candidate sufficient time to answer questions.

Examples of interview questions

Below are some examples of structured interview questions which research shows results in better candidate selection. The interview questions should be based around any key competencies (as outlined in the JD).

Competency = leadership skills

“Can you tell me about a time when you had to assume a leadership role in either your personal or professional life?”

“How did others in the group react?”

“What did you achieve as a group?”

<input type="checkbox"/> No evidence	<input type="checkbox"/> Some evidence	<input type="checkbox"/> Satisfactory evidence	<input type="checkbox"/> Solid experience	<input type="checkbox"/> Is a strength
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Competency = teamwork

“Describe a time when you have worked as part of a team to complete a project”

“What did you enjoy the most/least about working as part of a team?”

“What did you achieve as a team?”

<input type="checkbox"/> No evidence	<input type="checkbox"/> Some evidence	<input type="checkbox"/> Satisfactory evidence	<input type="checkbox"/> Solid experience	<input type="checkbox"/> Is a strength
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(From *People Management*, SPARC).

Final interview tips

Panel members should also remember to:

- demonstrate active listening by using positive body language (e.g. eye contact, nod) and making interested noises (e.g. “I see”). This will encourage the candidate to open up.
- be aware of their own (e.g. open posture) and the candidate’s (e.g. signs of nervousness) body language

- try to put a very nervous candidate at ease by asking them a few simple questions about themselves first
- keep to time and to the topic and make sure the candidate does too
- treat all candidates with respect and give them the benefit of a fair hearing – don’t make up your mind early on
- follow the interview structure, refer to the structured questions and rely on the support of a fellow interviewer, especially if they are nervous.

SELECTING THE PREFERRED CANDIDATE

Agreeing on the preferred candidate after the interview can be difficult. But this decision can be made easier if the interview panel have recorded their assessments of the candidate in a structured way against certain critical factors.

Assessing candidates using critical factors chart

One way of assessing each applicant's suitability for the position is to use a critical factors chart (see below).

To complete this chart:

1. In the first column, list 5 or 6 critical factors or competencies (taken from the ideal person specification).
2. In the next column, weight each factor in relation to its importance to the job, on a scale from 1 to 5 (1=lowest importance; 5=highest importance).
3. In the next column, for each factor, rate the applicant's performance or demonstrated ability illustrated in their answers to the questions at the interview, on a scale from 1 to 5.
4. Multiply the 2 scores to get the applicant's total score for each factor and add these total scores together to get an overall score for each candidate.

Sample critical factors chart

Job: Youth Worker

Name of Applicant 1: Jo Bloggs

CRITICAL FACTORS/COMPETENCIES	WEIGHTING OUT OF 5	SCORE OUT OF 5	TOTAL
Experience in youth work	5	5	25
Communication skills	5	2	10
Experience in running life skills programmes, etc.	3	2	6
Overall score			41

Name of Applicant 2: John Smith

CRITICAL FACTORS/COMPETENCIES	WEIGHTING OUT OF 5	SCORE OUT OF 5	TOTAL
Experience in youth work	5	4	20
Communication skills	5	2	10
Experience in running life skills programmes, etc.	3	1	3
Overall score			33

The panel should prepare the critical factors chart when they meet prior to the interviews and all panel members should have a say about the weighting of each factor. During the interview, each panel member should take notes to help them fill out the critical factors chart at the end of the interview. They should also take notes if they are not using a critical factors chart, as notes will refresh their memory when all interviews have been carried out and the panel is making its final selection.

TIP

Making the final decision

Using the critical factors charts or other interview notes as a guideline, the panel should discuss the merits (or shortcomings) of each applicant in turn. A recommendation can then be made to management that a certain person be selected for the position. It often happens that one applicant is preferred by all the panel members.

If, however, the panel is split on who should be offered the position, a process of negotiation should follow to achieve a consensus decision, using the critical factors scores and any other information offered by the panel members. It may finally come down to a majority decision among the panel (having three members on the panel is useful in this respect).

TIP

Second interviews should only be used as an absolute last resort – it is unfair to put applicants through further hoops just because the panel can not make a decision. A second interview should only be used if the panel genuinely believes it will provide additional information.

REFERENCE CHECKING

Contact at least two verbal referees before making an offer of employment (or make the offer subject to two satisfactory verbal references). The information obtained will help in your decision, especially if you can't decide between two strong candidates.

Verbal reference guidelines

To follow are some guidelines and sample questions for conducting verbal references.

Prior to calling a referee ensure you have:

- sought the candidate's permission to do so
- the candidate's CV to hand
- complete privacy and
- a pen and paper for taking notes.

Once you have made contact with the referee:

- introduce self and purpose of call
- advise length of call and check they have time and
- briefly describe the role for which you are recruiting.

Sample questions to ask:

1. How long did x work for your organisation? (to confirm dates on CV)
2. How long did x work for you?
3. What was his/her job title(s)?
4. Could you briefly outline his/her job key job responsibilities?
5. How would you describe his/her performance in the role?
6. What were his/her strengths?
7. What are his/her areas for further development?
8. What was your working relationship like as his/her manager?
9. How did he/she relate to the wider group of employees?
10. How did he/she relate to customers/clients?
11. How would you describe his/her levels of motivation in the workforce?
12. What is he/she motivated by?
13. What was (are) his/her reasons for leaving the organisation?
14. Given the chance would you re-employ the candidate in the future?
15. Is there anything else you would like to say in support (or otherwise) of this candidate?

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Thank them for their time.

NB: if you have any concerns about the candidate's ability to perform in the job, you can use the reference check to dig for more information. For example, if you are concerned about their ability to work autonomously, ask the referee for their view as to the candidate's ability in this area.

(From *People Management*, SPARC).

TIP

Always get written consent from the candidate before contacting referees. If possible, the referees should be from the candidate's two most recent employers.

offer of employment

Before making a formal offer, gain written approval for the terms and conditions of employment from the relevant person e.g. management committee/board or CEO. Once that has been signed off, contact the successful applicant and tell them they are the preferred candidate. Make them a verbal offer outlining the proposed salary etc.

This should occur as soon as possible after, but definitely within 5 days of, the last interview. Follow this up with a written offer of employment which would normally consist of a covering letter and employment agreement (see following pages).

Sample offer of employment cover letter

[date]
[name of successful applicant]
[address]

Dear [name]

We are pleased to confirm the offer of employment to you for the role of [title] at [location]. You will report to [manager's name] who is the [title].

Your role will encompass [brief role description].

The salary for this position will be [\$] per annum, and your remuneration package will be made up as follows:

Salary	\$
Benefits	\$
Total Remuneration	\$

Salaries are reviewed annually on [date] therefore your first salary review will occur at that time. We will take into account your performance in the role, as well as other relevant salary information including internal and external market factors. We also operate a discretionary bonus scheme based on [e.g. company profit] and we are happy to discuss this further with you. Bonus decisions are made annually on [date].

We attach our [staff handbook/employment agreement] which outlines the terms and conditions of your employment with us. Please take the opportunity to seek independent advice on our offer. Please also feel free to contact me if you wish to discuss any aspect of this offer.

If you choose to accept this offer please sign and date the attached copy of this letter and return it to me. Please also confirm your start date which we anticipate will be [date] as discussed previously with you. If this date does not suit, please feel free to contact me to discuss an alternative.

We look forward to working with you.

Yours sincerely
[your name]
[your title]
[your contact details]

I, [name of successful applicant], confirm that I have read the terms of employment set out in this letter and in the attached individual employment agreement, that I fully understand them and their implications and that I now accept the offer of employment.

.....
[name of successful applicant]
Date:

(From *People Management*, SPARC).

Guidance on drafting offer of employment letters (which differ depending on the type of contract offered) is also available by visiting www.ers.dol.govt.nz/letters.html or by calling free phone 0800 20 90 20.

TIP

EMPLOYMENT AGREEMENT

The type of employment agreement offered differs depending on whether there is:

- **no** relevant collective agreement in place
- a collective agreement covering the work to be performed and the applicant **is** a member of the union concerned
- a collective agreement covering the work to be performed but the applicant is **not** a member of the union concerned.

NO collective agreement – individual employment agreement

If there is no collective agreement in place you will need to consider the total wages and conditions that you believe are appropriate for the job and draw up an individual employment agreement (see following checklist).

An individual employment agreement is:

- the most common form of agreement within voluntary agencies
- covers only one employee and his or her employer (compared to a collective agreement which covers two or more employees)
- required to be in writing under the Employment Relations Act (which sets out most of the rules for forming an employment relationship through an employment agreement).



Individual employment agreement checklist

An individual employment agreement is required (under the Employment Relations Act) to contain as a minimum:

-
-
-

- the employer's and employee's names
- a description of the work to be performed
- an indication of the place and hours of work

Individual employment agreement checklist continued...

- the wages or salary payable
- the right of the employee to receive at least time and a half if they work on a public holiday
- a plain-language explanation of the services available to manage any employment relationship problems including a reference to the 90-day period within which a personal grievance must be raised.

TIP

The minimum requirements applying to full-time employment situations (see checklist) also apply (with a few exceptions) to part-time, casual and fixed-term employment situations. For further details, refer to:

- Department of Labour's *How to Hire Guide for Employers* (pp 24 to 26) at www.ers.dol.govt.nz
- SPARC's *People Management* at www.sparc.org.nz.

Collective agreement AND union member

In this situation, the employee must be offered the conditions in the collective agreement (see checklist).



Collective agreement checklist

A collective agreement must contain:

- a coverage clause
- a clause dealing with the rights and obligations of the employees and employer if the work is to be contracted out
- a plain-language explanation of the services available for the resolution of employment relations problems
- a clause providing how the agreement can be varied
- the expiry date or trigger event.

Collective agreement and NOT a union member

In this situation, the employee must receive the conditions in the collective agreement for the first 30 days of employment. If, during or at the end of the 30 days, they join the union, they become covered by that agreement. If they choose not to join the union, you and they can negotiate a new individual employment agreement varying terms and conditions as agreed.

Once in place, any employment agreement can only be altered if both parties agree to the proposed changes.

TIP

you may wish to make an offer to the next best candidate on your shortlist.

POST-APPOINTMENT FOLLOW UP

As soon as possible after the successful candidate has accepted the offer of employment in writing, unsuccessful interviewed candidates can be contacted by phone and given feedback on their interview and why they were not successful. Follow this up with a letter (see sample) and if requested, attach all relevant candidate information e.g. CV, interview notes.

TIP

If the unsuccessful candidates do not ask for their information to be returned and they have given you permission to retain the information, under the Privacy Act 1993, that information must be treated in confidence and stored securely for 6 months. After this time, the information must be destroyed.

SEEKING LEGAL ADVICE

The candidate has the opportunity to seek legal advice on the offer and should be given at least 5 working days to do that. If they sign and send it back, set up an employee file and store it in a secure place. If they wish to negotiate, you must decide your limits. If your offer is rejected

Sample letter for an unsuccessful interviewed candidate

[name]
[address]
[city]

[today's date]

Dear [name]

Re: Application for position of [job title]

Thank you for attending interviews for the above position. I/we enjoyed meeting with you.

As discussed with you, unfortunately we are unable to offer you the position on this occasion. We would, however, like to retain your CV in the event a position becomes available in future. Please advise if you would prefer us to return it to you.

I wish you all the best for the future and thanks again for your interest in [organisation's name].

Yours faithfully

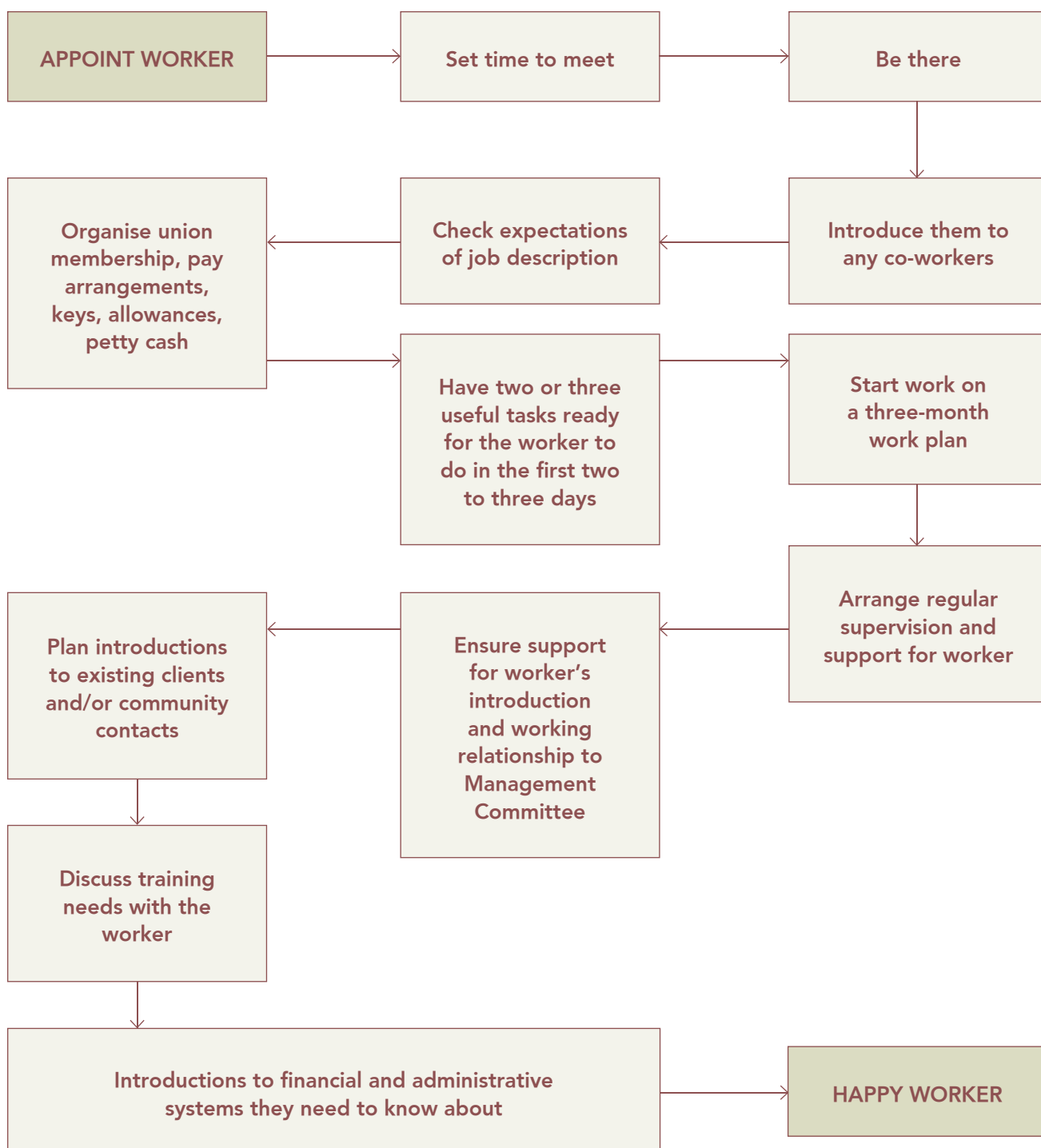
Chief Executive

(From *People Management*, SPARC).

B: induction



A good induction for any new employee is important and can provide the new worker with the reassurance they might be looking for – that they have made the right choice to join your organisation. The flowchart below summarises how to avoid throwing a new worker in at the deep end.



purpose of induction

The primary aims of a good induction are to:

- welcome new people
- introduce them to the culture of the organisation
- reassure them that they've made the right decision to join the organisation
- ensure they start their new job feeling motivated
- enable them to contribute effectively as soon as possible
- help them integrate into the work environment
- introduce them to their role.

benefits of induction

An effective induction programme will:

- help new employees to settle into the company quickly and become productive and contributing members of staff
- ensure that new employees are highly motivated
- ensure employees work in a safe environment
- help reduce poor performance, absenteeism and staff turnover (by helping an employee fit into the organisation and meet the needs of the job)
- reduce costs associated with repeated recruitment, training and lost productivity.

(From *People Management*, SPARC).

preparing an induction programme

An induction programme should:

- be prepared in advance of the new employee arriving
- be tailored for each employee who will have different needs depending on their role and previous experience
- be spread out enough so that the new employee is not overloaded with information in the first few days

- include an induction pack of all the information they need for their induction and a timetable of planned induction events
- be reviewed every now and then, based on feedback gained from the new employee once they have finished the programme.

induction checklists



Preparation checklist – before their first day

- ensure you have received signed confirmation of their acceptance of the employment offer and associated terms and conditions
- let them know where to come, when to arrive, who to ask for and what to bring on their first day e.g. IRD number, bank account details, driver's licence
- set up their desk/office with a chair, computer and telephone
- organise email accounts and passwords, access keys etc
- advise people in the organisation when to expect the new person
- set up a mentor or "buddy" for the new employee – try to choose someone with more experience who will help the employee settle in
- set up a group of people to help you with the induction programme – e.g. senior people in the organisation – and make sure they all know their role
- prepare an induction pack
- prepare a timetable of induction events so the new employee knows their programme for the next few weeks e.g. meeting times with key people, health and safety briefing.

(From *People Management*, SPARC).



Employee arrival checklist – on their first day

- be available and on time to meet them
- go through the induction pack with them
- gain bank account details and IRD number in particular and pass on to the person/company responsible for payroll
- explain the pay cycle (e.g. weekly, fortnightly, monthly) and when their first pay will go in to their account
- explain the salary review process
- ensure they meet with as many of their colleagues as possible, and in particular their line manager/supervisor
- start taking them through the induction process or hand them over to the person who will be responsible for this
- check in from time to time to make sure they are ok.

(From *People Management*, SPARC).

C: training and development

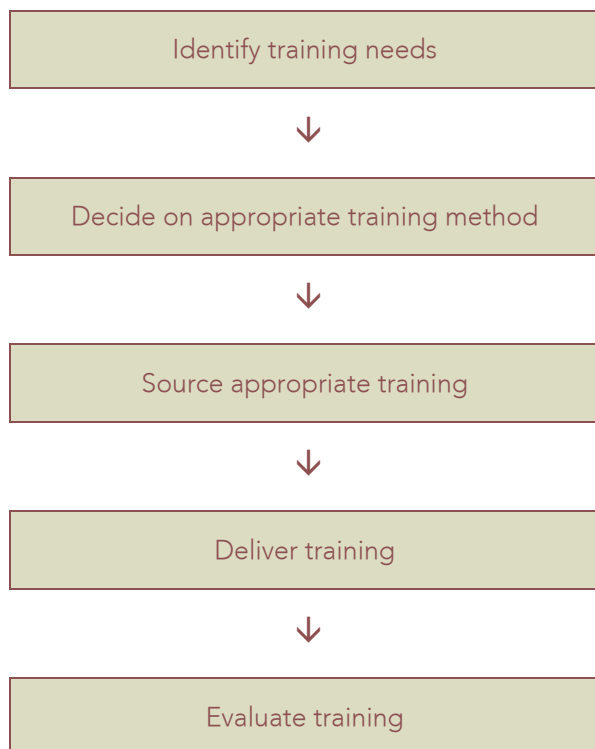


As detailed in *People Management* (SPARC), it is important to provide workers with the training and development required to perform their jobs because:

- well trained workers will help you achieve your organisation's goals and objectives
- research has shown that training and development has a positive impact on retention i.e. employees who get training and development in their role are more likely to stay with their employer.

the training process

The process for developing a training programme is illustrated below.



IDENTIFY TRAINING NEEDS

You must identify the specific training needs of your employees and/or your organisation, rather than simply providing training for training's sake. This can be done in a number of ways including:

- looking at any clearly defined core competencies your organisation might have (e.g. communication, teamwork, staff management, computer skills, customer service etc) and developing training around those
- the employee identifying training needs
- the manager being aware of training needs which are likely to arise as a result of a new or changed job, promotion, implementation of a new computer system etc
- a 360-degree feedback process where an employee's performance is rated confidentially by a number of people who work closely with that person. The employee also assesses their own performance. The results identify the employee's strengths and areas for development, which training is then targeted towards.

TRAINING METHODS

Training needs can be met in a number of ways including:

- face to face training – the traditional “classroom” style where a trainer delivers course information either onsite or offsite
- e-learning and computer-based training (CBT) – uses technology like the internet and CD-Rom to provide training via their computer
- on-the-job training – this is one of the best means of developing your workers
- experiential learning – learning through doing and focuses on completing an activity, learning from it and applying what was learnt to other areas e.g. Outward Bound course

- seminar and conference attendance – provides a good way of keeping up with the latest information and the opportunity to network with others
- tertiary training – completion of relevant degrees or diplomas
- self development – this can include reading books and research articles or becoming a member of a relevant industry body or professional interest group
- networking.

SOURCING TRAINING

Having identified your training needs and decided on the method required, go to the market to find the appropriate training programme and provider.

Websites

The following websites provide a useful starting point for sources of training:

- New Zealand Institute of Management (NZIM) – www.nzim.co.nz
- The Employers and Manufacturers Association (EMA) – www.ema.co.nz
- Chamber of Commerce – www.chambertraining.co.nz
- New Zealand Qualifications Authority (NZQA) – www.nzqa.govt.nz
- Worksite – www.worksite.govt.nz
- The New Zealand Association for Training and Development (NZATD) – www.nzatd.org.nz

Other sources

There is a raft of private training providers offering a range of services including training needs analysis and development of customised training courses etc. Alternatively you can contact a training broker who can assess your training needs and source the appropriate training.

Assessing the options

There are certain things to consider when assessing training options, including:

- budget – set a training budget and aim to get the best return on your investment

- timeframe – book the training to fit in with work flows
- content – ensure the training is relevant and targeted to the needs of your worker
- trainer's skills – it's important to assess the trainer's skills – talk to other people who may have attended the same course.

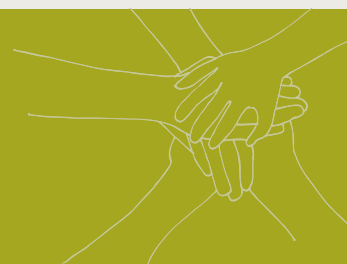
TRAINING DELIVERY

Decide when best to complete the training. Wherever possible, time the training for when it's most needed. While a worker is in training, the utmost should be done to ensure that he or she is not interrupted by work commitments.

TRAINING EVALUATION

Review all training to ensure effectiveness and value for money. The best measure is whether the worker's performance has been enhanced as a result of the training.

D: performance monitoring



Once a worker is employed, it is important that their performance is monitored regularly. An important aspect of performance monitoring is establishing a performance agreement. This is a statement or agreement between the employer and employee about what is expected of the employee.

performance agreements

A performance agreement should:

- be practical and a useful day-to-day planning tool for the worker. Having it cover a 3- or 6-month period will encourage you to keep it updated
- begin with the service statements set out in the worker's job description. From each service statement, actual work objectives can be developed and specific tasks or projects to be completed in that period noted.

NEGOTIATING THE AGREEMENT

Performance agreements are compiled via a process of negotiation between the employer and the employee (see following checklist). Employees should be advised well in advance when they are going to meet with their manager or team leader to negotiate the agreement.

Negotiation means working together to find mutually acceptable performance standards for the work being undertaken. Some employees and employers write separate draft agreements showing how they would like the performance measured. They then sit down together to compare the drafts and negotiate a final agreement.

Performance agreements are to be negotiated:

- at the start of the job
- when a new person starts an existing job
- when the supervisor changes

- when there are significant changes to the job
- when the term of the previous agreement has expired.

TIP

At least an hour of uninterrupted time should be set aside to negotiate the agreement.



Checklist for negotiating a performance agreement

The employer is encouraged to adopt the following procedure in the negotiating session as part of being a "good employer":

- put the staff member at their ease and outline the purpose of the session
- outline all performance issues at the start (both parties)
- explore any differences of opinion about performance between the employer and employee for each issue raised
- resolve all issues, using consensus if possible
- finalise and write up the performance agreement (see sample following)
- agree on feedback and new dates
- close the session.

TIP

The final performance agreement should be printed out, and both parties should sign it and keep a copy.

Sample performance agreement

ABC Youth Trust – Performance Agreement

Name: Performance Agreement for period 1/5/2006 to 31/10/2006

SERVICES	MANAGER'S/SUPERVISOR'S COMMENTS
<p>The provision of crisis support (including referral services) to young people and their families:</p> <ul style="list-style-type: none"> maintain through to 31.10.2006 contact with at least eight young people maintain contact with families of young people, minimum of three visits to each family through to 31.10.2006 initiate a minimum of three networking meetings with Ministry of Social Development by 31.10.2006 make contact with two new providers of emergency accommodation by 31.7.2006. 	
<p>The provision of life skills programmes to young people and their families:</p> <ul style="list-style-type: none"> run three six-weekly life skills programmes (one night a week) in the assessment period achieve an average 80% in course evaluations. 	
<p>Administration tasks:</p> <ul style="list-style-type: none"> completion of fortnightly time sheets maintenance of a diary of activities and clients maintenance of confidential client files attend monthly management meetings. 	
<p>Services and tasks agreed to:</p> <p>Employee: Date:</p> <p>Manager/Supervisor: Date:</p>	<p>General Comments:</p> <p>Employee's signature: Date:</p> <p>I agree/disagree with this assessment</p> <p>Manager/Supervisor's signature: Date:</p>

performance evaluation

- A performance evaluation is to be completed at the end of the agreed time period.
- The format of a performance evaluation is similar to a feedback session.
- Ideally, there should be absolutely no surprises and no areas that are not under effective action.
- Any information that will affect the performance evaluation should be recorded.
- All good performance should be acknowledged.
- Where needs are identified, the employer and employee are encouraged to work together on ways of obtaining information to fill the need (e.g. drafting a training programme).
- The performance evaluation is to be recorded and signed by both parties.
- Once a year the performance agreement may also be used to decide whether an increment or bonus (if the organisation has budgeted for this) is due.

feedback sessions

- Feedback sessions are useful checks on performance held every one or two months.
- The performance agreement should be referred to at these sessions.
- Good performance should always be acknowledged.
- Progress against the agreement should be looked at and any specific performance difficulties raised.

TIP

Areas of non-performance or concern should be addressed as soon as possible – i.e. don't wait for a feedback session or performance evaluation meeting – an employee needs to know what is expected of them sooner rather than later. Record and agree meeting notes that summarise the discussion and any agreements made.

E: managing disputes

An employer (and anyone else who is responsible for making decisions) has a duty to be fair, to act in good faith and to hear both sides, especially in situations where an allegation is made against someone, or a dispute arises. The principles of natural justice prevail.

The minimum requirements of natural justice that must be met are set out in the case *NZ Food Processing Union v Unilever* [1990] 1 NZLR. They are:

- notice to the employee of the specific allegation of misconduct, which the employee must answer and the likely consequences if the allegation is established
- an opportunity (which must be more than a mere token) for the employee to attempt to refute the allegation or to explain or extenuate their conduct
- consideration of the employee's explanation, free of pre-determination and uninfluenced by irrelevant considerations.

personal grievances

The Employment Relations Act 2000 gives all employees the right to pursue a personal grievance if they experience any of the following complaints:

- unjustifiable dismissal
- unjustifiable action that disadvantages the employee
- discrimination
- sexual harassment
- racial harassment
- duress over membership of a union or other employee organisation.

DISCRIMINATION

An employee will have a personal grievance based on discrimination if an employer or an employer's representative discriminates because of the employee's:

- colour
- race
- ethnic or national origins
- sex (including pregnancy or childbirth status)
- marital or family status
- age
- disability
- religious or ethical belief
- political opinion
- employment status
- sexual orientation
- involvement in union activities, which includes claiming or helping others to claim a benefit under an employment agreement, or taking or intending to take employment relations education leave.

Apart from the last point, these grounds are the same as those in the Human Rights Act 1993. In some circumstances, different treatment of employees on these grounds is acceptable. These circumstances are set out in the Human Rights Act 1993. If in doubt, contact the Employment Relations Infoline or the Human Rights Commission on free phone 0800 496 877 or by visiting www.hrc.co.nz.

Examples of discrimination include:

- refusal or failure to offer an employee the same:
 - terms of employment
 - conditions of work
 - fringe benefits
 - opportunities for training, promotion or transfer

as other employees with the same or similar qualifications, experience or skills working in the same or similar circumstances

- dismissal or detriment by the employer or employer's representative in circumstances in which other employees doing the same kind of work are not, or would not be, treated in such a way
- retirement or being made to retire or resign by the employer.

Racial harassment by a person in authority

An employee may have a grievance of racial harassment against his or her employer if the employer or supervisor or a person with authority in the workplace:

- directly or indirectly shows hostility, ridicule or contempt based on the employee's race, colour or ethnic or national origins through language, visual material or physical behaviour that the employee finds hurtful or offensive, or
- this behaviour is of such a nature, or is repeated so often, that it has a negative effect on the employee's employment, job performance or job satisfaction.

TIP

The employee does not have to say that the behaviour is hurtful or offensive when it happens in order to be able to pursue a grievance.

HARASSMENT

Sexual harassment by a person in authority

An employee may have a grievance of sexual harassment against his or her employer if his or her employer or supervisor, or a person with authority in the workplace:

- directly or indirectly asks the employee for sex or some form of sexual activity, either promising preferential treatment in the job or threatening worse treatment or dismissal, or
- directly or indirectly subjects the employee to unwelcome or offensive behaviour through words, visual material or physical behaviour of a sexual nature, and this behaviour is of such a nature, or is repeated so often, that it has a negative effect on the employee's employment, job performance or job satisfaction.

TIP

A personal grievance can be taken even if the promises or threats were suggested rather than stated openly. Similarly, the employee does not have to say that certain behaviour is unwelcome or offensive when it happens in order to be able to pursue a grievance.

Sexual or racial harassment by co-workers or customers

- An employee who is sexually or racially harassed in any of the above ways by any co-worker, or by a customer or client, may complain in writing to the employer.
- The employer must then look into the facts. If reasonably satisfied that the complaint is genuine, the employer must take whatever steps he or she can to stop the harassment happening again. This may, for example, involve restricting the access of the customer or client to certain parts of the workplace.
- If the harassment happens again after the employee complains and the employer still has not taken all practicable steps to prevent the harassment, the employee will have a grievance against the employer.

RESOLVING PERSONAL GRIEVANCES

In the first instance, the Employment Relations Act promotes self-help – where the employee and employer resolve the problem without seeking mediation assistance or having to go to the Employment Relations Authority.

The following steps are a guide to the initial problem-solving process:

1. Be clear about the facts. It is important that whoever is taking the grievance is well-informed. Make sure that what you think has happened or is happening is not just based on assumptions or a misunderstanding.
2. Talk to each other. Employers and employees should try to resolve the problem by discussing it with each other. Both parties are responsible for this. Union members can ask their union, and employers can ask their employers' association, to approach the other party for them.

TIP If an employee believes they have a personal grievance, they must raise it with their employer within 90 days of the action complained of, or the date they became aware of it, whichever is the later.

3. Clarify whether you do have a problem, and if so, what your problem is. Don't delay this step. Discuss your problem with family or friends or advisers to clarify what the problem actually is.
4. **Next steps?** If the problem is not resolved by discussion, either party may:
 - contact the Employment Relations Infoline, which has a range of services that may help, including information, mediation, or advice on what services are available and how to assess them
 - take the problem to the Employment Relations Authority for a decision. The Authority will consider whether there is still a chance to resolve the problem by mediation. If so, they may direct the parties to discuss other ways to resolve the problem.

THE EMPLOYMENT RELATIONS AUTHORITY

The Employment Relations Authority is an investigative body that operates in an informal way. It looks into the facts and makes a decision based on the merits of the case, not on legal technicalities. Employers and employees can choose to be represented in the Employment Relations Authority.

TIP If you are not satisfied with a determination of the Employment Relations Authority, go to the Employment Court for a judicial hearing. The Court may also direct the parties to get further mediation assistance if it thinks that may be useful.

THE EMPLOYMENT COURT

The Employment Court is a specialist court which hears appeals from the Employment Relations Authority. It hears and decides on applications for injunctions to stop unlawful strikes or lockouts. It also deals with breaches of the parts of the Employment Relations Act relating to strikes and lockouts and the right to join or not join an employees' organisation.

DISMISSAL

Fair dismissal

There must be a good reason for a dismissal (see "Grounds for dismissal") and the dismissal must be carried out fairly otherwise the employee may have a personal grievance claim against the employer (see the Employment Relations Service website, Department of Labour, www.ers.govt.nz/relationships/ending.html#dismissal).

What constitutes fair dismissal depends on the circumstances. However, some guiding principles are:

- any relevant provisions in the employment agreement must be followed
- if an employment agreement does not have a notice period, then reasonable notice must be given. What is reasonable depends on the circumstances
- employees have the right to be told what the problem is and that dismissal or other disciplinary action is a possibility. Employees must then be given a genuine opportunity to tell their side of the story before the employer decides what to do
- the employer should investigate any allegations of misconduct thoroughly and without prejudice
- unless there has been misconduct so serious that it warrants instant dismissal (e.g. theft

or assault), the employee should be given clear standards to aim for, and a genuine opportunity to improve. The sort of conduct that warrants instant dismissal may be set out in the employment agreement

- the employer should treat all employees in the same circumstances in the same way, or be prepared to justify the difference.

Grounds for dismissal

Some grounds for dismissal include:

- consistently poor performance as monitored through normal performance feedback
- theft from the organisation or from a co-worker or client
- walking off the job
- bringing alcohol or drugs into the work place without the employer's consent
- negligent behaviour which endangers the safety of a co-worker or client
- assault
- falsification of the organisation's records, including timesheets.

Explanation of dismissal

If an employee is dismissed, he or she has the right, under the Employment Relations Act 2000, to ask the employer for a written statement of the reasons for dismissal. This request can be made up to 60 days after the dismissal, or 60 days after they find out about the dismissal if that is later.

The employer must provide the written statement within 14 days after such a request. If the employer fails to provide this written statement, the employee may consequently be able to raise a grievance long after the required 90-day limitation period.

Warnings process

Unless the matter is so serious that the employer has no option but to dismiss a worker immediately (e.g. for theft or assault), the employer can put into play a warning process.

A warning process would normally be used in a situation such as an employee's performance or conduct not being up to standard. To give the employee an opportunity to improve their

performance or behaviour, at least 3 warnings should be given as follows:

1. The first warning is usually verbal and a reliable witness to the warning should be present.
2. The second warning should be in writing and must contain the first three out of the four elements below. Remember, the employee has the right to reply. When this warning is handed to the employee, it is wise to have the union delegate or at least one other witness present. Copies of this second warning should be sent to the worker's union and placed on file.
3. The final warning is also written but includes the information that it is the final warning and that if the employee fails to work correctly, then she or he will be dismissed.

All warnings should have four elements:

1. The employee should be told by the person issuing the warning exactly what she or he has done wrong.
2. The employee should be told how to do the job correctly (training should be given if the employee does not understand or cannot do the job correctly).
3. The employee should understand that her or his job is in jeopardy if she or he continues to act in the manner that brought about the warning.
4. The employee must be given the right to speak in her or his own defence.

OTHER WAYS OF TERMINATING EMPLOYMENT

In addition to dismissal, there are a number of other ways in which an employment relationship can end, despite all best efforts to recruit and retain good workers. Some common ones include:

- resignation
- retirement
- end of fixed term agreement
- redundancy
- suspension of employment.

TIP

For further information on each of these, refer to pages 67 to 69 of SPARC's *People Management* available online at www.sparc.org.nz.

where to get further assistance

The easiest way to obtain further information on the Employment Relations Act 2000 and the Employment Relations Service (ERS) of the Department of Labour, is to view their website – www.ers.dol.govt.nz.

When you need additional information on bargaining or about an issue that has arisen in your workplace, the Employment Relation Service can be contacted on 0800 800 863 or info@ers.dol.govt.nz. They can help you decide which of their services – e.g. mediators or the Authority – is most appropriate to address your issue.

There are also many resources in the community to help you including:

- Employers and Manufacturers Association
- Community Law Centres
- NZ Federation of Voluntary Welfare Organisations (NZVWO)
- community education and training courses e.g. night classes at colleges, institutes of technology or universities
- NZ Employers Federation or individual regional Employers' Associations
- offices of the NZ Council of Trade Unions (which will supply details of the most appropriate employee organisation)
- regional Chambers of Commerce
- Human Rights Commission
- Inland Revenue
- independent consultants in human resources management and/or industrial relations
- legal firms specialising in industrial relations legislation
- other voluntary agencies in your area.

F: managing volunteers

role of volunteers

Voluntary work is done of one's own free will, unpaid, for the common good. Volunteering has long been the lifeblood of societies and cultures.

Most community groups start off life with a volunteer base. As services expand, many go on to employ paid staff. Eventually most groups end up with a volunteer governing body, paid staff managing the organisation, and a mix of volunteers and paid staff delivering the organisation's services.

In this type of environment, it's critical that the status of volunteers is maintained and they are seen as equal contributors to the organisation. This can be done by:

- clearly defining the working relationships between volunteers and paid workers i.e. ensure everyone has an individual job description
- matching the worker to the job
- acknowledging the contributions made by volunteers to the organisation
- providing appropriate support and training and feedback.

reasons for volunteering

Volunteers have a wide range of reasons for wanting to become involved in a community group. These can include:

- wanting to develop a broader range of skills and experience
- wanting to meet people and widen social contacts
- having a political or social belief in the aims of the group
- wanting to put something back into the community
- to gain work experience.

contributions of volunteers

Volunteers:

- can provide opportunities to enhance and humanise services
- are often seen by clients as giving true community service
- can be a valuable link between client and organisation
- can provide flexibility in the hours of service that is not as freely available with paid staff
- can give an organisation the power to do more work
- can reduce the burden on paid staff
- can provide the opportunity for the organisation to support its community, by helping people who are not employed to gain work experience and new skills.

planning for volunteer participation

Volunteer participation within a programme or project should meet the needs of everyone involved – volunteers, paid staff and clients of the organisation. To do this:

- volunteer work should be planned as an integral part of the work of the organisation
- develop a volunteer policy (see following checklist)
- volunteer jobs should complement or enhance, but not replace, the work of paid staff
- volunteers should not be restricted to particular jobs solely by reason of their status as volunteers.

✓ Volunteer policy checklist

A volunteer policy should contain statements on:

- philosophy of the organisation
- principles of volunteering
- rationale for volunteer involvement
- distinction between paid and unpaid work
- reimbursement e.g. for travel
- training provided
- agreement
- legal issues
- health and safety
- grievance disciplinary policy
- rights and responsibilities
- insurance cover
- support and supervision
- code of practice
- code of ethics
- pre-employment check
- previous employment
- reference audit
- police check
- confidentiality and privacy.

recruiting volunteers

Some groups advertise, interview and appoint volunteer workers in the same way as they would paid workers. This increases the status of the worker and makes clear what is involved in the work, the experiences needed and the desirable personal qualities. The organisation should think about what skills they would like the volunteers to have, then seek those skills.

Consider the type of work the volunteers will be performing and whether or not it is appropriate to complete a criminal convictions check.

TIP

JOB DESCRIPTIONS

It is important that volunteers are clear about their role and tasks in the organisation. A job description is a useful way of doing this. This could be in the form of a one-page statement outlining the agreed tasks. It should also include a statement about reimbursements payable to the volunteer.

Consider involving both paid staff and volunteers in developing and reviewing volunteer job descriptions.

TIP

RECRUITMENT METHODS

There are a variety of ways to recruit volunteers. These include:

- going through the local Volunteer Centre (if one exists as they are generally located in urban areas). They are not only a good way to find people who want to volunteer, but they can also provide useful advice on volunteer issues
- advertising in the local community newspaper – these are usually freely delivered to households in your community
- advertising through newsletters e.g. that of the local council for social services, schools and churches
- putting notices on community noticeboards in the area e.g. supermarkets, libraries, schools
- word of mouth, using the networks of those already involved in the organisation.

induction and orientation

Induction and orientation programmes are a useful way of introducing a number of new volunteers at the same time.

An orientation programme could include:

- aims and objectives of the organisation
- structure of the organisation
- work content and philosophy of how work should be carried out
- communication channels e.g. newsletters
- training
- supervision
- introduction to paid staff
- meetings – how they work, when they are held
- any payments, and how to get reimbursed for expenses
- resources available
- where and how to get help e.g. via a buddy system.

training

ON THE JOB TRAINING

Informal training could include:

- working alongside a paid worker or more experienced volunteer on a challenging project
- taking on a job under guidance, where specific feedback will be given e.g. facilitating meetings
- networking opportunities with other similar groups
- peer supervision.

Formal training could include:

- refresher courses on policies and practices
- special courses aimed at gearing up the group to meet a new challenge such as a change in government policy
- courses that are designed to train workers on issues identified by the organisation or the volunteers, to increase the group's ability to meet the requirements of the clients e.g. working cross-culturally.

SPECIALIST TRAINING

If volunteers have agreed to take on specialist roles within the group there may be courses available that would assist them. For example, a volunteer treasurer may want to attend a community-run course on bookkeeping or taxation matters or a volunteer counsellor may want advanced training in a particular technique.

The main thing to remember is that volunteers have the right to understand the requirements of the tasks they are taking on and to develop the skills required to perform them.

volunteer-paid worker relationship

Misunderstandings between paid staff and volunteers can usually be put down to unclear roles. An organisation is therefore encouraged to:

- involve staff as much as possible in planning for volunteer involvement, including job design, interviewing and training of volunteers
- provide orientation and training of staff to work with volunteers before volunteers become involved in the programme
- organise some joint in-service training for both volunteers and staff. This can create shared understanding about the two roles
- identify staff who like working with volunteers.

recognising volunteer contributions

The contribution made by volunteers may be recognised both formally and informally in a number of ways.

Ways of formally recognising a volunteer's contribution includes:

- dealing with the volunteer professionally
- identifying and publicly acknowledging the volunteer's specific achievements
- providing the volunteer with a reference when he or she leaves.

Ways of informally recognising a volunteer's contribution includes providing him or her with:

- allowances
- reimbursement (at least partially) of expenses (e.g. transport costs, childcare costs, stationery, training costs and toll calls) so that they are not left out of pocket
- equal recognition as a paid worker at the end of their service
- payment when they take on work usually done by paid workers
- free or low-cost membership of the organisation
- a free voucher to a course programme
- getting to know the volunteer – understanding what they are interested in – building a relationship
- a caring attitude, expressing an interest and taking time to visit the volunteer on the job
- reward them in simple, low cost ways – combine a team meeting with a meal prepared in advance, acknowledge anniversaries.

where to go for more information



PUBLISHER:

North Shore Community and Social Services Inc

Title 1:

Being a Good Employer

Details:

Discusses many matters from employers' legal requirements to conflict resolution and more.

Date:

2000

Pages:

11

Format/Cost:

CD-Rom with a set of 6 employment resources (\$65), hardcopy (\$15).

Title 2:

Conflict Management

Date:

1999

Pages:

10

Format/Cost:

CD-Rom with a set of 7 resources on organisational issues (\$80), hardcopy (\$15).

Title 3:

Employment Agreements

Details:

A guide to employment agreements and problem solving including changes up to July 2005.

Date:

2005

Pages:

19

Format/Cost:

CD-Rom with a set of 6 employment resources (\$65), hardcopy (\$15).

Title 4:

Performance Appraisals

Details:

Suggests ways to develop user-friendly performance appraisals etc.

Date:

2005

Pages:

12

Format/Cost:

CD-Rom with a set of 6 employment resources (\$65), hardcopy (\$15).

Title 5:

Stress Management and 10 Commandments for Reducing Stress

Date:

1999

Pages:

11

Format/Cost:

CD-Rom with a set of 6 employment resources (\$65), hardcopy (\$15).

Title 6:

Volunteer Management

Details:

Fact sheets on recruiting, training and managing volunteers and more.

Date:

2001

Pages:

A set of 4-page fact sheets

Format/Cost:

CD-Rom with "Volunteers – how to recruit them" (\$35), hardcopy (\$30).

Title 7:

Supervision Myths and Facts

Details:

Discusses the benefits and different forms of supervision.

Date:

1995

Pages:

28

Format/Cost:

CD-Rom with a set of 6 employment resources (\$65), hardcopy (\$15).

PUBLISHER:

WorkInfo, Department of Labour

Title 1:

Are you ready? Voluntary work and workplace health & safety

Details:

A brochure for non-profit organisations covering duties of employers and managers of volunteers and how to meet these obligations

Date:

2003

Pages:

8

Format/Cost:

Free online from www.workinfo.govt.nz.

Title 2:

Employment and Health and Safety Fact Sheets

Details:

A large range of fact sheets including volunteers on marae, and stress etc.

Date:

Various

Pages:

Series of 3-page fact sheets

Format/Cost:

Free online from www.workinfo.govt.nz.

PUBLISHER:

Employers and Manufacturers Association (EMA) Central

Title:

Employer Guides

Details:

Plain English guides covering a wide range of topics from hiring staff and terminating employment through to Privacy Act 1993.

Date:

Various

Pages:

Various

Format/Cost:

Free online for members from www.emacentral.org.nz. For non-members guides cost \$18 (plus GST) each or \$144 (plus GST) for the whole kit.

PUBLISHER:

New Zealand Federation of Voluntary Welfare Organisations

Title:

Managing Volunteers

Details:

Covers a wide range of topics from job descriptions to legal considerations.

Date:

Revised 2001

Pages:

92

Format/Cost:

Hardcopy – \$13.50 for members or \$16.50 for non-members.

PUBLISHER:

The Supervision Directory

Title:

Supervision in the Voluntary Sector: An overview of what it is and how to make it happen

Date:

2005

Pages:

33

Format/Cost:

Free online from www.supervisioninfo.org.nz.

PUBLISHER:

Sport and Recreation New Zealand (SPARC)

Title:

People Management

Details:

A practical guide written for the sport and recreation sector (but with broader application) covering a wide range of topics from recruitment to disciplinary procedures and termination. It contains a number of useful templates.

Pages:

181

Format/Cost:

Free online from www.sparc.org.nz.

PUBLISHER:

Office of the Community & Voluntary Sector and New Zealand Federation of Voluntary Welfare Organisations

Title:

Keeping it Legal E Ai Ki Te Ture

Details:

A kit consisting of 4 brochures and 18 fact sheets, intended to help voluntary organisations comply with their legal obligations.

Format/Cost:

Free online from www.keepingitlegal.net.nz/updates.

PUBLISHER:

Department of Labour
(Employment Relations Service)

Title 1:

How to Hire Guide for Employers

Details:

A resource designed to provide employers with information on good practice when recruiting and hiring employees.

Date:

June 2005

Pages:

31

Format/Cost:

Free online from www.ers.dol.govt.nz or call the Department of Labour Employment Relations infoline on free phone 0800 800 863 for a hard copy.

Title 2:

Hiring New Employees in the Employment Relations Act Environment

Details:

A handbook covering a range of topics relating to hiring employees.

Date:

June 2004

Pages:

37

Format/Cost:

Free online from www.ers.dol.govt.nz or call the Department of Labour Employment Relations infoline on free phone 0800 800 863 for a hard copy.