



Dealing with People Issues: Effectively Managing Your Human Resources

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Agenda

We will overview:

- Hiring
- Training
- Retention
- Types of Working Relationships
- The Right “Fit”
- Succession Planning

Pre-Hiring

- Assess your needs first
- Approach for hiring support staff
- Approach for hiring lawyers and clerks
- For Example:
 - Is your work property-focused? Do you need someone who can follow checklists, and fill in the appropriate form?
 - Do you need someone with client-interviewing talents?
 - Do you need someone who can litigate?
- Identify the skills that you need in your practice

Self-Assessment

Some thoughts to consider:

- What makes an office “work” for you?
- What do you want out of a new hire?
 - Someone to reduce your workload?
 - Someone to share responsibilities?
 - Independent worker or team-approach to files?
 - Someone who will have the same values or ethics as you?
 - Someone who will challenge your values?
 - Someone with your same level of ambition? More? Less?

Pre-Hiring

- Partners
- Associates
- Articled Clerks: can be a great opportunity to work with someone without a long-term commitment
- Support Staff
- Collateral contracts: Maintenance?
Couriers? Bailiffs? Custodial?

Types of Workplace Relationships

- Full-time, indefinite hires
- Part-time, indefinite hires
- Casual employees
- Independent Contractor
- Job share / Remote office
- Limited-term contracts
- Cost-sharing arrangements
- Partnerships

Job Descriptions

- Written descriptions
- Allow for flexibility and change
- Major responsibilities should be identified prior to recruitment process

Pre-Hiring

Advertising

- Recruitment firms
- Lateral Moves
- Conventional advertising, internet, word of mouth
- Internal Referrals

Pre-Hiring

Screening Tools

- Resumes and/or Application
 - Identify gaps in chronology, vague statements, reasons for leaving work, grammar/spelling errors
- Check employment history with consent
- Ensure qualifications (eg. Land registry training? Law degree? Bonded?)

References

- Check them with consent
- Ensure the referee is appropriate and authorized by the Employer
- Questions to ask: work quality, attitude, collegiality, punctuality, attendance, etc.
- If you are hiring a lawyer, explore all components of the working relationships, clients, staff, other lawyers

Interviewing

- Competency based interviews
 - Skills you are seeking to fulfil the duties required
- Compensation expectations and benefits
- See www.cs.state.ny.us for a helpful site

Interviewing

- *Human Rights* issues: avoid questions that may imply discriminatory hiring such as questions about age, marital status, country of origin (ok to ask about legal ability to work), children, religion, etc.
- It is okay to inquire about any necessary accommodations a person might require

Interviewing

- Plan your questions in advance
- Review the candidate's submissions
- Open-ended questions
- Encourage self-assessment
- Don't make commitments
- Provide reasonable timelines to respond

Selection

- The importance of personalities in small offices
- What about the “right fit”? Be open-minded. Too often good candidates are rejected because of a perceived lack of “fit”, which can also be a form of discrimination, a presumption or prejudgment about who can do the job or looks “right” for the job

Offers

- Basic terms: duration, compensation and benefits
 - Part or full-time? Limited-term or indefinite?
 - Probationary periods
 - Benefits: vacation, holidays, health, LTD, LI
 - Salary and incentives
 - What happens if there is a termination?
 - Relevance of Chinese Wall regarding confidentiality/files/conflicts

Offers/Contracts

- The correct legal entity (eg., a law firm or an individual?) should be on the contract
- Collateral contracts
 - Confidentiality
 - Non-compete/non-solicitation
 - Avoiding conflicts of interest (eg. Other work)
- Other documents: eg. Request for tax deduction, life insurance forms, benefits plans, emergency contact information, payroll forms, void cheques

Your Legal Obligations

- Liability for mandatory employee deductions
- Chapter 19 of the Legal Ethics Handbook:
A lawyer's duties re: supervision and delegation

Orientation and Training

- Time spent on orientation at the start of the relationship likely spares you time spent repairing problems later in the relationship
- Make sure your expectations are clearly communicated and acknowledged
- Reporting protocols

Orientation

- Introduce the new person to existing personnel
- Familiarize him/her with the physical work place, fire exits & first aid kits, the best place to have lunch, washrooms etc.
- For legal staff, introduce them to ongoing files with a file review
- For lawyers...

Orientation

- Provide new personnel with an overview of your practice and preferences
- Don't assume knowledge (eg. Clients are copied with all correspondence; messages aren't left on home answering machines, etc.)
- Have your system in place

Orientation

- Review legal ethics issues
 - Checking for conflicts before retention
 - Non-disclosure of the solicitor-client relationship etc.
- Will the employee handle funds?
 - Review trust account obligations, cheque signing, etc.

Office Practices

- Office manuals with associated forms
- Outline everything from your office's vision statement to clarifying statutory holidays, hours of work, pay frequency, leaves, etc.
- Have the new employee acknowledge receipt of the manual
- Perhaps make it available on your computer network?

Duty to Report

- Chapter 18 of the handbook

Retention

- Respect and Remuneration
- Periodic salary reviews and other forms of benefits or compensation
- Periodic evaluations (written, in person)
- Best practices for personnel file management: documentation for sick leave, absences, lateness, etc.

Retention

Problem Employees

- The negative effect on the general morale of a problematic employee
- Progressive discipline principles
- Be consistent so that responses to actions are proportional to the seriousness of them
- Beware of condoning employee actions

Conflict Resolution

- Incorporate a policy into your workplace
- Consider hiring outside mediators or facilitators

Exit Interviews

- If an employee resigns, do you want to know why?
- What can you commit to give as a reference, if any?

Terminations

- Working notice
- Statutory notice
- Common-law notice
- Just cause notice

For further discussion...

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