

NEW EMPLOYMENT CHECKLIST FOR EMPLOYERS

Interviewing and employing new staff can be a daunting process for even a seasoned employer but this process does not have to be so daunting. Below is a checklist employers could use as a guideline when conducting interviews and considering the candidates thereafter. This list has been divided into two sections namely; (1) questions that should be asked during the interview and (2) points any employer should consider after the interview. Employers must bear in mind that an employment relationship commences as soon as an offer is made and accepted by the candidate. Therefore, employers should refrain from making offers of employment to candidates until after they have interviewed all the candidates and properly considered each.

During the interview, an employer should ask the candidate for the following:

- original qualifications, identity document / passport / drivers' licence - to determine if the candidate is a foreign national and if so, does this candidate have the valid permits to reside and work in SA, is the candidate beyond the company's retirement age and to run credit and criminal background checks on the candidate (with their consent);
- previous employer contact information so that additional checks may be conducted on the candidate's work experience and work ethic; previous payslips so that an employer may establish the candidate's previous earnings, truthfulness, and if the remuneration being offered by the employer is reasonably market-related;
- the candidate's flexibility regarding working hours as there may be instances where the employee may be required to work overtime; and
- the candidate's general state of health to determine if they are able to perform the tasks of the position and if there needs to be any adaptation made in order to accommodate the employee in the workplace; and
- if the candidate is/was subjected to a restraint of trade and if so, is it still binding and what risk does this restraint of trade pose to the employer's business should he employ the individual.

After the interview, we suggest the employer consider the following:

- on what basis will the employment relationship be i.e. permanent or fixed term and full time or part-time and what probation period would be necessary for the particular position;
- what should be included in the job description and should Key Performance Indicators/Areas for part of the job description. This is with a view to ensuring that both parties are certain of what will be required, and it will provide the employer a basis on which to performance manage an employee if necessary;
- based on the seniority of the position, will a restraint of trade and confidentiality agreement be a requirement (signed) and if so, what should the parameters be in this restraint of trade and confidentiality agreements; and
- what notice period should be applicable to the end of the employment relationship. The law sets out the minimum notice periods but perhaps the business will require a longer notice



period in order to find a new employee or the skill set the existing employee has may be so specialised that it will take time to find a new employer;

- will the candidate be a suitable cultural fit for the business i.e. will the candidate fit in with the business' work culture, how it chooses to conduct business and interacts with clients/customers; and
- is the position the candidate is being considered for an employment equity position and if so, what are the requirements in terms of employment equity.

Once the above points have been put to the candidates and their responses have been considered, along with any other relevant queries an employer may have in relation to their business, the employer should be in a fairly good position to determine if they wish to offer the preferred candidate employment.

The points above do not form part of an exhaustive list and there may be other points which could be included and considered by the employer. Most important is always to consider what the risk is that is posed to the business and the list above assists employers in limiting this risk to a certain extent. For a more comprehensive list and its suitability for an employer's specific business needs, you may contact our offices and arrange a consultation to further explore and discuss such points.

If you have any questions related to this checklist please contact our offices at admin@justinedelmonte.co.za or 021 001 4400