



The Top 10 HR Mistakes to Avoid

#1 – Who to hire - Independent contractor, employee or freelancer, etc.?

It is helpful to decide ahead of time what the right hiring path is for your business and what type of worker best suits your business needs and to make sure the hiring contract reflects that classification of worker. Is the project short term or is this a permanent role you are trying to fill? What is the type of service and industry you are in? These answers will help with the decision-making process. Be sure you have classified them correctly.

#2 - Hiring Family and Friends

Hiring friends and family can be great for your business. They generally have your best interests in mind and you already know that you like them! When the relationship ends, however, things can go badly. Make sure you protect your business upfront when the relationship is still good. Always have an employment contract in place. Prepare a termination letter and release ahead of time and do not complete the termination meeting alone, make sure to have another person present. It is also good to always provide the terminated employee with time to consider the termination package received.

#3 - Recruitment

When hiring, remember that all stages of the employment relationship are covered by “employment” in the human rights legislation, including the recruitment stage. The hiring process cannot be discriminatory i.e., differential treatment based on disability, race or gender, etc. Always include this in your post and offer accessibility to those who need it.

#4 – The Employment Contract

When hiring new employees, remember that **the employment contract is very important!** Make sure that it includes at least the minimum standards for notice, benefits and vacation, etc. Focus on the termination clause, a lot, and specify employment and post-employment rights and obligations. Protect your business’ digital assets during employment to make sure they are protected upon termination. Ensure that your new employee agrees to the terms of employment and signs before their first day or all of your hard work in creating a great employment agreement means nothing. Beyond Rewards can assist you with these.

#5 - Confidentiality Agreements

Business owners are generally very passionate about what they do. Don’t let all of your hard work leave with your exiting employee. Have employees sign a confidentiality, non-compete and non-solicitation agreement which will limit their ability to solicit your clients and/or compete for those same clients in the same area. Speak to legal counsel about your needs specifically and what you should have for your business.

#6 – Intellectual Property

Identify what your intellectual property is and speak to your accountant and lawyer about this.

#7 – What are your CRA and Statutory Requirements (including policies and procedures)?

The following is a helpful checklist to ensure you are completing the required CRA and statutory requirements for a business with employees:

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- ✓ Open an account with CRA for payroll source deductions;
- ✓ Have employee(s) complete a TD-1 and a TD1ON Form;
- ✓ Year-end T4A & CRA requirements;
- ✓ Determine if your business is required to open a Workplace Safety and Insurance Board account. (Some are exempt)
- ✓ Distribute the Ministry of Labour [Fair at Work Ontario Poster](#) and ensure you have proof you have done so;
- ✓ Workplaces covered by the Occupational Health and Safety Act (“OHS”) must display a [health and safety at work poster](#), have a copy of the Occupational Health and Safety Act available, as well as the names and locations of your workplace joint health and safety committee members;
- ✓ [Health and safety awareness training](#) is required for every worker and supervisor under the OHS. It is free of charge on their website. (DO NOT PAY FOR IT);
- ✓ WSIB Poster – [In case of Injury poster](#). If you are required to pay into WSIB you must post this poster In addition all workplaces must have the [First Aid 1101](#) Booklet;
- ✓ Implement and have in place the required policies, procedures and programs for your industry and specific to your workplace, including training of your team. For those employees that work remotely, ensure that you have a good policy in place that includes eligibility to work remotely, requirements around responsiveness and communications, digital security, productivity, unauthorized overtime and confidentiality

This is not a complete list, as compliance changes regularly. For more information and a checklist of what to post for your industry specific, contact BR directly.

#8 – Disability

This is the busiest area of employment law currently for HR and legal counsel. Workplace stress, mental health, workplace injuries, non-workplace injuries, harassment, accommodation to the point of undue hardship. These are just a few of the areas you may need to address in the workplace.

In addition to accommodation and understanding your employees’ rights when it comes to disability, you must ensure you are compliant with the AODA requirements in Ontario.

#9 – Managing Performance Issues

Communication and Documentation is key with your employees. Always provide constructive criticism and make sure to document it. This helps keep emotions in check and ensures that both the employer and employee are on the same page. It is very hard to fire for cause, but not impossible if you have the right documentation. Always be fair, but document everything including conversations in regards to performance issues, concerns etc.

#10 – Exits – Termination of Employment. Be sure to have all your ducks in a row when terminating an employee. It is not as easy as letting someone go before their 3 months are up because they are not a good fit; there may be notice and other considerations to include.