

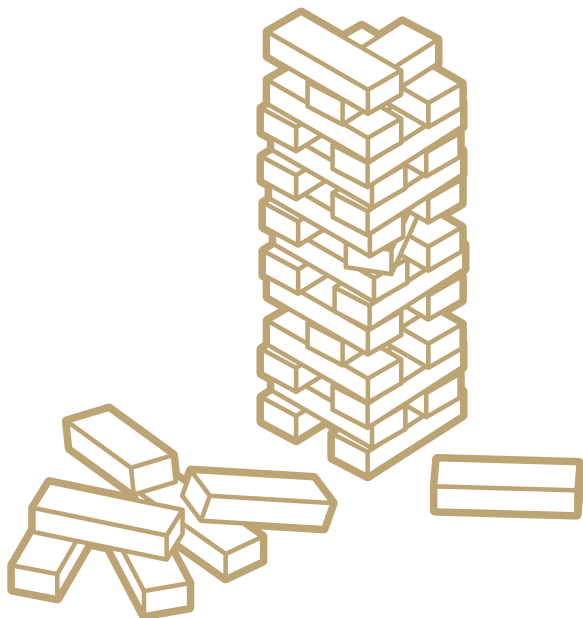


Ten Steps to a Seamless Restructure

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Restructuring can be a difficult decision for management to make. Sometimes, it's the only way to continue successfully operating a business, and yet the process can feel complicated and time-consuming.

If your business is requiring a restructure, following these steps will help you make better decisions from the beginning.

01

Consider the rationale carefully.

The rationale is the reason for the restructure.

The rationale for change must be:

- A genuine commercial decision.
- Objective, reasonable, and supported by evidence.

Remember: Shaky reasons for a restructure are vulnerable to grievances later.

02

Map Out Current Roles

Consider the structure of your organisation. Consider titles, teams, and role descriptions.

Make sure all role descriptions are up to date and accurate. This will help you establish whether roles are meeting the business' needs.

03

Work out the Vision for the Restructure

What would be ideal for the business' goals? If creating new roles, begin drafting their role descriptions. This will give you clarity on their requirements.

Note: New roles may make existing roles superfluous. For more information on redundancies, download our full Restructure Guide.

04

Consider the Obligation to Redeploy Employees

Employees must be considered for redeployment if:

- They are affected by the restructure.
- The new role is within their capability with reasonable training.

If no employees fit this criterion, only then can you 'go to market' or draw from unaffected employees.

05

Create a Fair and Transparent Contestable Process

If there is a reduction in similar or identical roles and there is more than one eligible employee for a new role, you'll have to decide whom to retain.

When deciding whom to retain, make sure:

- The process relies on good, objective, measurable data.
- Employees know exactly how you're using the data.
- The criterion is fair and reasonable and will retain the best people.
- You consult upon the criteria.

You are obligated to consider feedback in good faith. Take the time to gather the necessary facts and respond to employee feedback. This will show your fair consideration.

06

Create a Well-Structured Proposal

Employees must have access to all information and have the opportunity to comment before deciding on a restructure. Therefore, the proposal must communicate your well-thought-out restructure in sufficient detail.

Proposal Checklist:

- ☐ Explains rationale
- ☐ Outlines the new restructure and includes relevant role descriptions
- ☐ Lists how employees can give feedback
- ☐ Provides a broad overview of the contestable process and outlines selection criteria
- ☐ Includes a timeline that is flexible with sufficient time to give feedback

Remember: The tighter the timeline, the higher the risk for grievances.

07

Consider Genuine Feedback

You are obligated to consider feedback in good faith. Take the time to gather the necessary facts and respond to employee feedback. This will show your fair consideration.

08

Send Decision Letter to Employees

Decision Letter Checklist:

- ☐ Informs employees whether the proposal will be adopted, varied, or abandoned
- ☐ Shows that you considered feedback, with a record of the feedback and your response
- ☐ Informs employees of the next steps
- ☐ Timeline is given for contestable process or redeployment

Remember: Not addressing feedback will create the perception of predetermination and lead to grievances.

09

Implement a Contestable Process

If you know an employee is suitable for a role and there isn't a need to contest the role with others, you can place them in the position without process. Otherwise, follow a contestable process.

Contestable Process Checklist:

- ☐ There are no barriers to participation
- ☐ The process is sufficiently linked to selection criteria consulted upon
- ☐ The methodology addresses factors relevant to performing the role
- ☐ Good records and evidence of the process is generated

Note: Find more in-depth information on designing a contestable process in our Restructure Guide.

10

Notice of Termination is Given

When redeployment options are exhausted, and contestable processes concluded, it is time to give the notice of termination.

Notice of Termination Checklist:

- ☐ Is sensitive to the circumstances
- ☐ Has the appropriate tone
- ☐ Sets out the last working day or notice to be paid in lieu
- ☐ Final pay is paid on termination and properly calculated

About Us

Bell & Co is a boutique dispute resolution firm. We've led extensive restructures for clients and acted on behalf of disadvantaged employees.

This guide is not a replacement for good advice. We recommend discussing your restructure with a reputable employment lawyer. At Bell & Co, we can offer advice from both a human resource and legal point of view.

Feel free to contact us with any questions.