

A-Z Guide

JOB DESCRIPTIONS



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Overview

A job description (or position description) should reflect a comprehensive analysis of what the employee will be required to do, how they will be required to do it and what the required result will be in relation to the position. It may also include how an employee's performance will be monitored and assessed in relation to the result they were employed to achieve.

Where there are requisite skills or qualifications pertinent to the position then they should be included in the job description. Clearly if the job requires a certain professional or educational qualification then that must be included. A job description may reflect reporting structures, time frames, areas of accountability, responsibility, performance indicators and/or outcomes.

A job description should give an applicant (if it is available upon application) a concise and broad but not exhaustive understanding of what the role entails. It should provide the successful candidate with a good understanding of what they were employed to do.

An exit interview can provide some insightful information to assist an employer in the creation or revision of a job description and the outgoing employee should be valued as a resource for this.

A job description is generally not included within an employment agreement; however, it is usually annexed to it. This is because an employment agreement is just that, an agreement, and cannot be changed without agreement. Conversely a job description is rarely static as the position may evolve over time due to the demands of the job. In these cases, change is appropriate. The job description is not always fixed but rather capable of being treated as a fluid or living document and therefore reflective of reality. However, that does not mean that a job description is sufficiently fluid to enable radical change without consultation and agreement.

Employment Relations Act 2000

Section 65 of the Employment Relations Act 2000 should be noted. Section 65 does not state that every employment agreement should contain a job description. However, it does state that the body of an employment agreement should include the job title, a brief description of the work (an explanation of the job title in the context of the workplace), where the work will be performed and the times the employee will be required to perform that work taking into account breaks, meal breaks, rosters, shifts, weekends and public holidays.

If the job is for a fixed term, then that must be specified in the employment agreement, and will necessarily form part of the job description. If the job is subject to a trial or probationary period, then that too must be specified in the employment agreement and may form part of the job description. Under the Employment Relations Act 2000, section 65 states the following:

65 Terms and conditions of employment where no collective agreement applies

1. *The individual employment agreement of an employee*
 - a. *Must be in writing; and*
 - b. *May contain such terms and conditions as the employee and employer think fit.*
2. *However, the individual employment agreement*
 - a. *Must include:*
 - I. *The names of the employee and employer concerned; and*
 - II. *A description of the work to be performed by the employee; and*
 - III. *An indication of where the employee is to perform the work; and*
 - IV. *Any agreed hours of work specified in accordance with section 67C or, if no hours of work are agreed,*



- an indication of the arrangements relating to the times the employee is to work; and*
- V. The wages or salary payable to the employee; and*
 - VI. A plain language explanation of the services available for the resolution of employment relationship problems, including a reference to the period of 90 days in section 114 within which a personal grievance must be raised; and*
- b. Must not contain anything:*
- I. Contrary to law; or*
 - II. Inconsistent with this Act.*



Job Descriptions

Refer to the **A-Z Guides on Individual Employment Agreements, Fixed Term Employment, and Trial & Probationary Periods**, for further information.

The role specification is a complementary document, but commonly it is simply incorporated within the job description, rather than separately. Where the job description specifies the tasks and duties of the job, the role specification defines what knowledge, skills and abilities are necessary to perform those tasks and duties.

A thoroughly considered role specification is invaluable to both the recruitment and selection process. It will assist you to:

- Focus your advertising so as to attract the best applicants
- Screen out the least appropriate applicants
- Select the most appropriate applicant

While a role specification is not in the public domain and is therefore not available to applicants, it should not be used to facilitate unlawful discrimination.

Human Rights Act 1993

This Act makes it unlawful to discriminate in employment on 13 prohibited grounds of discrimination. A job description should be constructed and drafted on the basis that it is able to be performed by any person who has the requisite skills and qualifications; it should not by its language restrict the position so that it effectively discriminates against people unlawfully. Refer to **the A-Z Guide on Discrimination in Employment** for more information.

Remember

- Always call AdviceLine on 08800 300 362 to check you have the latest guide.
- Never hesitate to ask AdviceLine for help in interpreting and applying this guide to your situation.
- Use our AdviceLine employment advisors as a sounding board to test your views.
- Get one of our consultants to draft an agreement template that's tailor-made for your business.

This guide is not comprehensive and should not be used as a substitute for professional advice.

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