

# Hard Case ▶ Janice Hughes

## Ouch

I'm nursing a headache ... the type that comes from feeling like you're hitting your noggin against the proverbial brick wall.

Despite the prolific, ubiquitous advice and warnings that businesses really, absolutely, definitely need to be operating far sharper and smarter to ride out this recession, I am still seeing way too many signs that the messages just aren't getting through.

Of course businesses are going to suffer to some extent during tighter times; that stands to reason. I've worked closely with commercial clients of all shapes and sizes in various economic climes and, with that experience, comes a healthy degree of pragmatism.

Yet, I still struggle to get my (now aching) head round the fact that so many hit the skids due to problems that not only could have been avoided, but, in many cases, quite easily so. As times have got tougher, so, too, have the consequences for businesses that don't have all their ducks in a row. The buffers that exist in economically brighter times just aren't there; an oversight or mistake that once brought a little pothole can now create one almighty abyss.

Anyone who's read Hard Case for any amount of time will know I'm a raving fan of action. So, this month, I'm taking a good dose of my own advice – yes, I'm taking the bull by the horns to cure my headache ... and, hopefully, those of some local businesses.

Now, in my line of work, as you can imagine, come crisis time, I've heard pretty much every reason under the sun why business owners and managers hadn't taken the necessary – and often basic – steps

to prevent, or at least mitigate, the risks that have become their painful reality.

*... I didn't have the time ... I thought it would cost too much ... I didn't realise there had been a law change ... Taking stock just seemed so overwhelming and I didn't know where to start ... Gosh, I just didn't identify I had problems, let alone potentially fatal ones ...*

## Excuses erased

I got to thinking about the best way to break down these perceived barriers that stop businesses from protecting their operation. I know in law, as in medicine, prevention is most definitely better than the cure – so, I set about designing an accessible, user-friendly business and employment health check tailored specifically to the needs of, and issues facing, our local businesses.

And, guess what? My health and employment check for business is pretty much excuse proof.

So, you reckon you haven't got time? I know business people are busy, so I've put together a systematic, yet comprehensive, health and employment work-up that examines every key area of commercial operations from employment relationships and credit control to compliance and funding. It will take just one hour. What's more, I'm mindful that many businesses are flat stick in normal office hours, so I've ensured the health checks are extra convenient and accessible by setting up an "after hours surgery" outside 9 to 5.

Worried confronting potential, or actual, business ills will break the bank? That one's dead in the water, too, I'm afraid. Your hour-long personalised, private and confidential health and employment

check is completely free. The freedom that comes from knowing exactly where you're at, though, is pretty much priceless. If a problem's identified, you'll know it's there, its significance and what needs to be done to cure it. You then have the benefit of making an informed choice on what you're going to do. If your business gets a clean bill of health, you'll walk away with that liberating feeling known as "peace of mind".

## Keeping up with the times

Think things are just tickety-boo? Thinking's one thing, knowing is quite another. There are a myriad of legal nooks and crannies, even in day-to-day business, and it's a case of: you don't know what you don't know. These free health checks are designed to help you find out. Also, such is the nature of this latest recession that, as well as law changes, some of the contractual and procedural goal posts have moved. What was once relevant, applicable and appropriate is now outdated and, in some cases, just downright risky.

Taking stock seems too daunting ... Yikes! What happens if there's a real nasty lurking in the bowels of my business? In my experience, if there's something there that needs fixing, the earlier the diagnosis and treatment, the better the prognosis. If, after your check, you feel your business does need some rehabilitation, I don't advocate overdosing – it's about prescribing a carefully prioritised, easy-to-swallow regime to treat immediate threats first, and then moving to address longer-term issues and future-proofing, if, and when, needs be.

In short, these checks will cost you one hour, no money ... and could just be your business' lifesaver. What do you have to lose?



I don't believe recession fighting should be a solely lone pursuit. If we all band together – especially in smaller communities such as ours – and safeguard our businesses, individually and collectively, as much as possible, that benefits everyone as we navigate these downtimes. It also leaves businesses far better poised and energised to snap up opportunities and innovate.

## Watch this space ...

To that end, as well as the free business health and employment checks, I have another recession-busting injection for our local business community up my sleeve. We're just finalising details now, so I'll have to keep you in suspense a little longer – but I can tell you it's a first for Wanaka, it's potential-packed, it's oh-so timely ... and you'll all be invited. Ah, I feel my headache easing all ready.

*Janice Hughes is AWS Legal's resident partner in Wanaka. Please remember that this information is designed as a general guide and should not replace specific legal advice on a particular issue.*