



When Should I Hire a Lawyer vs. an HR Professional?

Deciding whether to hire an attorney or a human resources professional depends on the nature of the employment-related issue you are facing. In general, HR managers are responsible for managing employee relations and ensuring compliance with company policies and procedures, while attorneys are legal experts who can provide advice and representation on complex legal matters. Here are some scenarios when deciding which is the appropriate professional to hire:

Legal disputes: If you are facing legal issues that have the potential to escalate into litigation, such as discrimination claims or contract disputes, hiring an attorney would be a better choice. An attorney will have the legal expertise to guide you through the legal process, negotiate on your behalf, and represent you in court if necessary.

Compliance issues: If you are unsure about your legal obligations as an employer or your business is facing compliance issues, an attorney can provide legal advice on complying with relevant laws and regulations. HR managers may have knowledge in this area, but an attorney can provide more specialized and comprehensive legal advice.

Termination or severance agreements: If you are terminating an employee or negotiating a severance agreement, it is advisable to hire an attorney to ensure that the process is conducted legally and fairly. An attorney can draft legally binding agreements that protect your interests and minimize the risk of future litigation.

Employee investigations: If you are conducting an investigation into an employee's behavior or actions, it may be appropriate to hire an attorney to ensure that an impartial party conducts the investigation. An attorney can provide guidance on the appropriate investigative procedures, protect the confidentiality of the investigation, and advise on the appropriate disciplinary action to take.

On the other hand, hiring an HR professional may be more appropriate in other scenarios involving the management of day-to-day HR operations.

Developing and implementing HR policies: HR professionals are trained to develop and implement policies that comply with employment laws and regulations while also aligning with the company's culture and goals. An HR professional can help ensure that the company's policies are up-to-date and that employees understand and follow them.

Recruiting and onboarding: HR professionals are responsible for recruiting and hiring new employees and onboarding them into the company. They can help develop job descriptions, screen resumes, conduct interviews, and oversee the orientation process.

Employee relations: HR professionals are also trained to handle employee relations issues, such as employee disputes, disciplinary actions, and grievances. They can help mediate conflicts, ensure that the company is complying with labor laws, and maintain positive relationships between employees and management.

Benefits administration: HR professionals are responsible for administering employee benefits programs, such as health insurance, retirement plans, and paid time off. They can help ensure that the company is complying with regulations and that employees understand and use those benefits effectively.

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