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Three Steps to Safeguard Against Employee Litigation

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One of the hallmarks of a harmonious and productive workplace culture is little to no litigation initiated against a company by current or former employees. Winning Workplaces looks at this as part of a larger question about government, civil, or criminal complaints in our annual Top Small Company Workplaces competition. In 2011, only 2% of winners and finalists and 3% of the other applicants for our award had had employees bring forth litigation.

We evaluated our 2011 award applicants for the year 2010, so this means a total of 5% of all firms were the subject of related complaints or investigations. This is consistent with what we saw for our 2010 award applicants (for the year 2009), as I wrote about here.

As yet, as Jason Carney, Human Resource Director for WorkSmart Systems, an Indianapolis-based PEO serving clients in 37 states, shared with me, complaints filed in 2010 by the U.S. Equal Employment Opportunity Commission (EEOC) grew 7% over 2009, to just shy of 100,000.

What are the companies who apply for our workplace award doing to safeguard against employee litigation (and legal trouble in general)? They are largely following these steps that Jason outlined, which speak to these firms' exemplary people practices:

1. **Policy development:** Have good policies in place and regularly update employee handbooks. Policies should include one addressing social media participation, specifically mentioning that the terms of the policy are not intended to interfere with concerted protected activity.
2. **Ongoing informal education:** Guide your employees to changes in federal labor laws.
3. **Formal training:** Ensure that your employees are well versed in company policies and federal guidelines, such as unlawful harassment prevention and wage and hour law proficiency.

One additional insight related to these steps Jason shared is that while many companies might view their implementation as routine in terms of forms creation and updating, or just doing the right thing as any company would strive to do, the reality is that they are a powerful set of trust building activities that promote better communication and, ultimately, greater productivity.

Related: If you didn't see this article when we first published it, check out guest columnist and attorney Paula Brantner's checklist to help startups avoid cutting legal corners which could prove costly later on.

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