

Your #1 Tool to Avoid Litigation:

Your
EMPLOYEE
HANDBOOK



Amie Remington, Esq.
Chief Legal Officer

Why Does Your Handbook Matter?



Sets forth your PURPOSE

Sets forth your EXPECTATIONS

Provides a RESOURCE

Allows you to SHINE

What is NOT Required?



Super long policies

Policies you aren't going to (or can not) enforce

Negotiables

Redundant and repetitive information

Employee Handbook Must Haves

Social Media Policies



Anti-Harassment /
Discrimination Policy



Non-Negotiables for
Your Business



Statements for Legal
Purposes



Social Media Policies

- **Governed by Title VII and NLRA**
- **Section 7:**
 - Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection.
- **Must have no retaliation language**



Social Media Policies



1. “Do not disclose confidential or proprietary information regarding the company or your coworkers.”
2. A prohibition on use of the company name to endorse, denigrate, or otherwise comment on a person, product, cause, or opinion.
3. A ban on using photos of coworkers without their express consent.
4. A policy prohibiting sharing employee compensation information.
5. Prohibition on using social media to disparage the company or others.

Updated January, 2021



Social Media Policies

Threats of Violence are NEVER Allowed

If this occurs, call your HR Manager or your attorney to determine prompt and legal course of action

Anti-Harassment/Discrimination Policy

Your policy should state that it is illegal to discriminate on the basis of:

- Sex (includes pregnancy, sexual orientation or gender identify)
- Color
- Race
- Religion
- National Origin
- Disability
- Age
- Genetic Information (including family medical history)

See
www.EEOC.gov

Anti-Harassment/Discrimination Policy

Your policy should provide a reporting procedure:

Explain how employees can report harassment.

- **If possible, designate at least one person who is not his/her supervisor or supervisor's supervisor who can receive harassment complaints.**
- **If you have an HR Manager, require reporting directly to that person.**

Anti-Harassment/Discrimination Policy

- State that you will protect the confidentiality of employees who report harassment or participate in a harassment investigation, to the greatest possible extent.
- State that employees will not be punished for reporting harassment or participating in a harassment investigation or lawsuit.
- Require managers and other employees with human resources responsibilities to respond appropriately to harassment or to report it to individuals who are authorized to respond.
- Provide for prompt, thorough and impartial investigation of harassment complaints.

Anti-Harassment/Discrimination Policy

- Provide for prompt and effective corrective and preventative action when necessary.
- Consider requiring that employees who file internal complaints be notified about the status of their complaint, the results of the investigation and any corrective and preventative action taken.
- Describe the consequences of violating the harassment policy.
- Federal, state and local laws may prohibit additional types of harassment. Federal, state and local government websites may have additional information about these laws.

Your policy **MUST HAVE** no retaliation language

Non-Negotiables



- Must have a safety policy
- If required, must have a Collective Bargaining Agreement statement
- All Policies must have no retaliation and “how to report” language.

Non-Negotiables

Safety Policy

Company strives to protect all of its employees from injuries, threats of violence or other things that could result in harm. To that end, Company has enacted the following procedures:

- Reporting injuries
- Reporting safety concerns
- Evacuation procedures
- Inclement weather



Non-Negotiables



Collective bargaining policy

Company agrees to abide
by any collective
bargaining policy set forth
in the then-current CBA.

Legal Policies

EEO Policy

It is the policy of the Company that all applicants and employees are to be treated equally, without regard to race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, genetic information (including family medical history) or other non-merit-based factors.

These protections extend to all management practices and decisions, including recruitment and hiring, appraisal systems, promotions, training, and career development programs.

Free poster from EEO.gov:
[**eeoc_self_print_poster.pdf**](#)

Legal Policies

No Retaliation Policy

Company does not retaliate, and does not tolerate retaliation, against any employee or applicant who, in good faith, makes a report of [harassment/discrimination/other protected action] following the reporting procedure in this policy.

According to the EEOC, retaliation can consist of the following:

Legal Policies

No retaliation language

For example, depending on the facts, it could be retaliation if an employer acts because of the employee's EEO activity to:

- Reprimand the employee or give a performance evaluation that is lower than it should be;
 - Transfer the employee to a less desirable position;
 - Engage in verbal or physical abuse;
- Threaten to make, or actually make reports to authorities (such as reporting immigration status or contacting the police);
 - Increase scrutiny;
- Spread false rumors, treat a family member negatively (for example, cancel a contract with the person's spouse); or
 - Make the person's work more difficult (for example, punishing an employee for an EEO complaint by purposefully changing his work schedule to conflict with family responsibilities).

Legal Policies

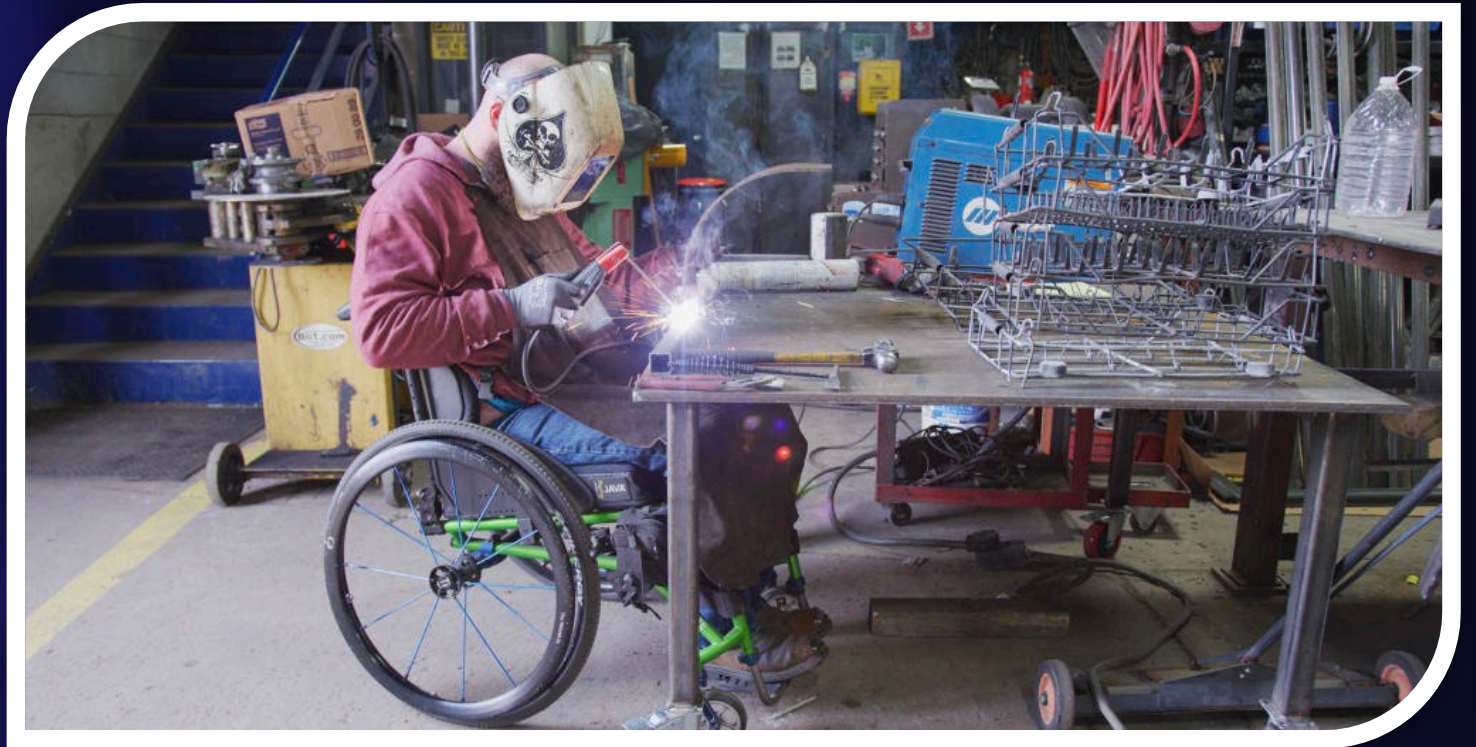
No retaliation language

Should you believe you are subject to retaliation for making a report under any policy in this handbook, you should report your concerns to [your HR representative], who will begin an immediate investigation.



It is generally okay to tell employees that they must continue to work, can be reprimanded for things not related to the report and that false reports may result in discipline, up to and including termination.

Legal Policies



ADA / Religious Accommodation Statement

Consistent with these obligations, the Company also provides reasonable accommodations to employees and applicants with disabilities and for sincerely held religious beliefs, observances and practices.

Legal Policies

At-Will Statement

Unless you are covered by a Collective Bargaining Agreement or written contract signed by an authorized Company representative, where permitted by state law, your employment is considered at-will. This means either you or the Company may end your employment at any time for any legal reason with or without prior notice.



THANK
YOU

The image features the words "THANK YOU" in large, white, three-dimensional block letters. Each letter is suspended by a thin white string that passes through a small circular hole at the top of the letter. The letters are arranged in two rows: "THANK" on top and "YOU" below it. The background is a solid, vibrant orange. The lighting creates soft shadows behind the letters, giving them a sense of depth and making them appear to float in the air.