Top Workplace Policies That You Need to Have to Protect Yourself from Liability

In a lawsuit oriented society such as the United States, the relationship between the employer and the employee is an extremely sensitive issue. According to recent reports, nearly 90% of U.S. corporations are engaged in some type of litigation, and the average company has a docket of around 40 lawsuits.

In the present circumstances, many employers face a rising surge of litigation related to the workplace that allege discrimination, sexual harassment, and other torts. Today, even issues like workplace stress and allowing smoking at the workplace can expose you as an employer to liability. In addition, if an employee is injured or wounded at the workplace, then it becomes a liability for you. This can often result into complicated and thorny situations. Under these circumstances, you can face lawsuits or can also become liable to pay for costs covering the treatment and rehabilitation of the injured employee. Therefore, you need to set up strong and well-meaning workplace policies that can protect yourself from liability:

Smoke Free Workplace Policy

Presently, there is mounting evidence that specifically point to the dangers of exposure to second hand smoke. Several studies describe the dangers that employees at the workplace face upon being exposed to second hand smoke. As such, smoking in second hand places contributes to poor indoor quality and exposes employees to carcinogens. The dangers that employees face includes risk of contracting lung cancer and increased risk to heart disease.

Therefore, the only way to eliminate the risk is to provide a smoke free environment at the workplace. According to recent studies, workplaces that eliminate smoking from their environments have better air quality and superior respiratory health for their workers. As an employer, you are exposed to a range of legal risks if you are unable to provide your employees with a smoke free environment.

You face risks in form of a worker’s compensation claim, disability discrimination, or a claim that you failed to provide the employer a safe workplace to work in. Therefore, voluntarily adopting a smoke free policy in the workplace is the best way forward for you to prevent yourself from liability.

Workplace Violence Deterrence Policy

Workplace violence in the United States is a sad reality. Employers must consider the risk that their employees face from workplace violence. As you will be aware, the workplace can indeed be a stressful environment.

These situations exacerbate especially when there are economic downturns like the present times. Additionally, terminations, layoffs, and personal financial situations can lead to additional stress. According to recent research, nearly 2 million people are exposed to
workplace violence each year. Therefore, workplace violence is a more common occurrence that most businesses are willing to believe.

According to OSHA, a well-written and implemented workplace violence deterrence program should be put in place that is combined with engineering controls, administrative controls and training to reduce the incidence of workplace violence in your company.

**No Dating Policy**

Workplace dating can leave the employer exposed to charges of sexual harassment and other legal consequences. Some companies choose not to implement a workplace dating policy, however, this can leave you open to potential liability if it is shown that a supervisor had sexually harassed a subordinate.

Even a poor performance review to a former partner can be construed as a type of sexual harassment. To avoid embarrassment and humiliation on this front, you may set up an effective and fail-safe ‘no dating’ policy in your workplace.

**Notification Policy**

A similar policy, which you may adopt, is to require employees to inform whenever a consensual relationship is entered into. This policy may also require them to inform you whenever they end this type of relationship. From your side, you may be required to protect your employee’s privacy and not disclose this information. Such a policy will help you protect you and your company from later charges that your employee was sexually harassed as the relationship was not consensual.

**Use of electronic gadgets and other electronic equipment**

It is always advisable to include a policy that regulates the use of electronic gadgets and computers in your company. This will create clear guidelines for your staff. Always establish set standards about utilizing computers, cell phones, laptops and other electronics gadgets at the workplace. Indicate guidelines that restrict access to non-business websites during work hours, so that staff gets discouraged from accessing social networking sites while they are at work.

**Abuse and Harassment Policy**

It is again advisable to institute appropriate abuse and harassment policies to educate your employees about what constitutes abusive and inappropriate behavior. Include in the policies about what is considered workplace harassment, conduct that is prohibited and the various types of behavior that violates various company policies.

You possibly might not be aware, but several types of behavior exist that can construe as abuse and harassment at the workplace. These can include unwanted sexual advances, physical demeanor of a sexual nature, requests for sexual favors, hostility towards a person's race, gender, or sexual orientation, or even their disability status. Such abusive or intimidating behavior creates an antagonistic and unfriendly work environment for the victim.

Even if you have an abuse and harassment policy in place, you may be liable for the inappropriate behavior of your workers. For example, you may be liable for harassment if a manager's inappropriate behavior results in decrease of wages or termination.

You can prevent such behavior in your workplace to prevent liability by clearly communicating the consequences of unwelcome conduct. You can also provide the necessary training and education in this regard.

Finally, outdated HR policies can also pose a range of liability risks for you. Ensure that your policies are not outdated and are current with the trends and the times. The best defense against liability is knowledge. The more knowledgeable you are about the situation and the possible remedies, the better it is for you to remain out of the noose of liability for a civil claim or an adverse claim. Always remain aware, and additionally ensure that you are covered under liability insurance for such instances that can always be lurking in your organization or company.