

Does Your Business Have an Employee Handbook?

The Employment Law Counselor

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If you have a business, you need an employee handbook. It's really that simple. I sometimes get calls from small business owners with an employee issue and I ask them for a copy of their employee handbook only to be told that they don't have one. The usual reasons are that they didn't think it was important, they don't want to be tied down or they just have not gotten around to it. No more excuses. If you have a small business and you don't have an employee handbook, make it your New Year's resolution to put one in place.

Employee handbooks are your first line of defense in an employment claim. More than that, not having a handbook can leave you unable to make certain arguments in lawsuits. For example, if you do not have a sexual harassment policy, you cannot claim that your employee should have filed an internal complaint and let you correct the behavior before filing with the EEOC. Because there is no policy, courts have determined that there is no clear complaint mechanism and, therefore, an employer may be precluded from asserting that affirmative defense.

There are similar examples of problems caused by a lack of policies in the realms of wage and hour, workers compensation, leave laws, disability accommodations, benefits, etc. For example, these statutes may have certain employee notice requirements that may be satisfied through a handbook. In short, if you have a small business, you need an employee handbook.

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