



### **Importance of Written, Customized and Regularly Updated Company Policy**

In today's litigious society, unclear, informal and/or non-existent company policies are a thing of the past. While "fair and equitable" treatment of employees is the law, it is very difficult to prove your company adheres to that standard when company policies and procedures are not written and worse yet, boilerplate policies retrieved from the internet, unrelated to your specific industry.

Employers often erroneously believe that the employment at-will premise will override any need for employment policies and/or procedures. However, not all employment decisions involve termination. Additionally, without clearly written employment policies, you can forget about fighting claims for unemployment benefits. If the employer cannot provide a clearly written policy to show that an employee was aware of the policy, understood it and its associated infractions; the employee will win every time.

If you're lucky enough to avoid being dragged into court, consider the other ramifications of not having clearly written policies. Managers and supervisors actions and decisions become inconsistent leading to employee morale problems, conflicting messages and lack of productivity.

Eliminating, or at the very least reducing confusion, is the ultimate goal. Thus, putting expectations, policies, procedures and consequences in writing, is a highly useful tool for accomplishing that goal.

Employee handbooks are the appropriate and effective medium to communicate company policy and procedure. However, a poorly drafted or cookie cutter handbook can be as much, if not more, of a liability to employers than having no policy at all. It is critical that any handbook reflect the unique circumstances of the particular workplace. This is an area where "**one size fits none.**" It is just as critical that an employee handbook be reviewed and updated regularly to reflect changes in the organization and/or changes in employment laws. Over the years, I have reviewed hundreds of employee handbooks; 9 out of 10 employee handbooks either have blatantly illegal policy provisions or contain policies that are too restrictive having the practical effect of unequal application. When contemplating employment policies, the employer should always ask the question, "Would

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I be willing to enforce any particular provision against my best employee?" If the answer is no, a reasonable change in policy language, structure and tone can eliminate that contemplation.

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