

Employee Litigation: Minimize Your Risk

Employee litigation continues to rise. Over 99,900 claims were made in 2010 with 46.9 million dollars awarded to complainants. That's 3.8% more complainants and 12% more money than awarded in 2009. How can employers minimize their risk?

"No amount of preparation will give you 100% immunity from litigation, but there are steps a company can take in order to minimize the risk of employee litigation or retaliation", says Gayle Nicholas, Managing Director of Tandem HR. "As an HR outsource company, there is a set of standards we follow for ourselves and our clients that has helped us avoid a trip to or win cases in court."

What are these standards and how can your company adopt them?

Adequate screening - When hiring employees, use testing, references and screening to find out if the employee had issues in the past, is an ethical worker and will be a good cultural fit for your organization. Finding the right employee can be half the battle.

Job Descriptions - Write them for each position and make sure they are accessible to job candidates, incumbents and managers.

Evaluations - Annual (or quarterly) evaluations should be conducted and recorded, signed by each employee and manager. Any disciplinary issues should be addressed and future goals should be documented.

Disciplinary Actions - All disciplinary actions should be recorded as they occur and not held for formal evaluations. Be as descriptive as possible and ensure copies are distributed to all employees involved, their managers and your human resource representative.

Consequences - Ensure your consequences and disciplinary actions are consistent among employees. Showing favoritism or ignoring one employee's offense while disciplining another can result in a lost case.

Grievance policy - How can employees file a grievance? Do you have an open door policy? Make sure the company process is determined, written in an employee handbook and known to all employees.

Implementing and consistently following these best employment practices will minimize your litigation risks. If you have concerns on how to implement these practices, please contact us at Simplify@TandemHR.com or call 630.928.0510 today.

The staff at [Tandem HR](#), [Benefits Solutions Group](#) and [Alliance Workplace Solutions](#) contributed to this article. It is intended as information and is not a substitute for legal advice.

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