

TOP TEN REASONS EMPLOYEES SUE THEIR EMPLOYERS

Waldthausen & Associates, Inc. is a Retained Executive Search firm with the focus on recruiting managers that influence a company's result and earnings. The firm focuses on recruiting professional managers for US subsidiaries with parent companies located in central Europe.

The content of this newsletter I believe is of particular importance to all those firms that do not have a full-time dedicated HR person on staff. Lawsuits can be expensive, consume a lot of time and energy of the key people in your organization, contribute to low morale among other employees and hurt the company's results. It therefore pays to look at the information below which was gathered by one of the major research institutions in the USA.

According to the Bureau of National Affairs, a leading labor attorney has identified ten mistakes employers make that could lead to litigation.

10: Failing to regulate e-mail and Internet use

Every company should have a written policy that clearly explains to employees that they should not have an expectation of privacy in their electronic correspondence.

9. Failing to spot protected activity.

Protected activity could include filing a complaint with the Equal employment Opportunity Commission (EEOC), the National Labor Relations Act (NLRA), requesting family or medical leave, reporting financial misconduct, or requesting an Americans with Disabilities Act (ADA) accommodation.

8. Exempting all salaried employees from overtime.

Misclassifying employees as exempt is one of the most common errors made under the Fair Labor Standards Act. Salaried employees are not necessarily exempt from overtime.

7. Allowing non-exempt employees to work through lunch.

Employers are responsible for preventing non-exempt employees from working through a meal period and must pay for work performed during those times.

6. Failing to prevent, stop or investigate harassment.
An employer receiving a complaint must investigate and take action immediately.

5. Punishing the complaint or victim.
Retaliation claims are among the easiest for employees to win.

4. Letting supervisors bully employees.
Require supervisors to exhibit professional conduct. Teach supervisors to control their tempers and to praise in public, but handle discipline in private. Prohibit hazing, berating and cursing at employees.

3. Firing in haste
Never fire anyone without getting the employee's side of the story. Prior to termination, an executive should review documentation to ensure that the decision is supported and consistent with company policy.

2. Pushing the EEOC's hot buttons.
The EEOC is particularly interested in protected activity, pattern violations, failure to accommodate religious and ADA cases and cases involving the interplay between ADA, Family and Medical Leave Act, and worker's compensation.

1. Becoming romantically involved with an employee
Prohibit or discourage supervisor/subordinate dating and have policies about disclosing relationships and reassigning individuals involved.

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