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Feb. 20, 2018



It's a best practice to review policies, posters, and forms periodically to ensure that they adhere to applicable laws and evolving company practices. Since the New Year typically brings a host of new laws, now is a good time to conduct this review. To help you get 2018 started on the right foot, here are some tips for conducting a successful review.

#1: Sexual Harassment Policies

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- Define sexual (and other forms of) harassment and include examples of prohibited conduct.
- State that the policy applies to employees at every level of the organization, as well as to applicants, clients, customers, and other third parties.
- Address consequences for violating the policy.
- Set forth a clear procedure for employee complaints and offer employees multiple avenues through which they can report potential violations.
- Encourage employees to report inappropriate conduct, without fear of reprisal, whether they are a victim or a witness.
- Assure employees that complaints will be taken seriously and the company will conduct a prompt, impartial, and thorough investigation.
- Indicate the company will maintain confidentiality as much as possible.
- Encourage employees to respond to questions or to otherwise participate in investigations regarding alleged harassment.
- State that the company will take immediate and proportionate corrective action if it determines that a violation of the policy has occurred.

Keep in mind that your state law may require certain information in your policy, such as how employees may file complaints with the state.

#2: EEO Policies

Federal, state, and local laws prohibit employers from discriminating against applicants and employees on the basis of certain protected characteristics, such as age, race, sex, and religion, among others. The list of protected characteristics continues to change as states and local jurisdictions enact new laws and government agencies and courts take new positions on existing laws. For example, several jurisdictions have enacted laws that expressly prohibit employers from discriminating against applicants and employees on the basis of their sexual

orientation or gender identity. While federal law doesn't expressly prohibit sexual-

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- Prohibits retaliation against employees for filing a complaint or participating in an investigation.
- Stresses that all employment decisions are based upon one's qualifications and capabilities to perform the essential functions of a particular job, without regard to protected characteristics.
- States that the policy governs all aspects of employment, including but not limited to hiring, selection, training, benefits, promotions, compensation, discipline, and termination.
- Urges the reporting of all instances of discrimination.
- States that appropriate disciplinary action, up to and including immediate termination, will be taken against any employee who violates the policy.

EEO laws also typically require employers to post a notice about employees' rights.

#3: Leave Policies

States and local jurisdictions continue to pass new laws that require wage replacement or require employers to give employees time off for covered absences. Recently, [paid family leave](#) and [paid sick leave](#) laws have been two of the most commonly enacted leave requirements. Some leave laws also require employers to have written policies outlining the leave entitlement. Even if your state doesn't require a written policy, or you choose to provide leave voluntarily, it is a best practice to have a clear policy outlining employee and employer rights and responsibilities related to leave.

Your leave policies must be at least as generous as applicable federal, state, or local laws and should address:

- Who is eligible (include all requirements for eligibility, such as length of service and status as a full-time or part-time employee).

- How much leave is available and how it accrues (if applicable) and whether and

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- General continuation (leave laws typically require employers to continue health and other benefits while the employee is on leave).
- Documentation (many leave laws have rules on the documentation employers may require to confirm the absence is covered).
- Job reinstatement (under most leave laws, employees must be reinstated to the position they held prior to the start of leave or a comparable position).
- How the policy interacts with other leave policies.
- Anti-retaliation statement (many leave laws prohibit any adverse action be taken against an employee for taking leave or inquiring about their rights under the law).

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