

15 Things Managers Do That Put The Company At Risk

It's difficult for a well-informed human resource manager to act in compliance with the complex and ever-changing human resource laws and regulations. It's nearly impossible for managers who generally have very little training, understanding, and experience in dealing with employment law issues. The following list summarizes a few of the common ways managers can put their organizations at considerable legal risk.

1. Acting without understanding the requirements and implications of the law. (All managers should have employment law training.)
2. Failing to follow company policies or applying them inconsistently. (Inconsistent treatment makes employees angry and makes the company vulnerable to legal action.)
3. Making quick decisions. (Employees generally don't become problem employees overnight, yet managers often act quickly and without much planning when they have "had it with the situation.")
4. Failing to explain the reasons and business justifications for an employment action. (Employees are much more likely to become angry if they don't understand why a decision is being made).
5. Failing to document thoroughly and immediately, with the first incident.
6. Over-evaluating on performance appraisals. (Inflated appraisals fail to realistically inform employees of their strengths and weakness. Further, they will be difficult to "explain" should you need to terminate an employee later on.)
7. Making promises that can't be kept such as at the interview or during employment. (Creating unrealistic or impossible expectations can create dissatisfaction and anger. They could also potentially weaken your employment-at-will status.)
8. Failing to involve Human Resources as soon as possible when employee problems arise. (Also, failing to have HR review significant employment actions, before they are undertaken).
9. Treating "like situated" employees differently. (Such a practice can alienate employees, decrease trust, and make you extremely vulnerable to discrimination charges.)
10. Failing to act immediately to correct employee problems. (Small problems are much easier to solve than larger ones. Employee problems rarely "fix themselves" but are much more likely to escalate.)
11. Requiring employees to "work off the clock," failing to pay for time worked, and required overtime; as required by the federal Fair Labor Standards Act.
12. Failing to encourage employees to report discrimination or harassment claims or instances of possible unethical or illegal activity by not ensuring that employees know how to make such reports or creating an "open door" climate.

13. Retaliating against an employee, even subtly, for using FMLA leave, requesting an ADA or religious accommodation, filing a Worker's Comp claim, or making a complaint.
14. Asking illegal questions during an interview or reference check.
15. Failing to maintain appropriate levels of confidentiality and sharing information on a "need to know basis."