

Employment Law Training For Employees and Managers

In the past, employee legal training was generally limited to sexual harassment workshops. More extensive employment law training, if offered at all, was provided to senior managers. Recent court decisions, an explosion of employee lawsuits, and increasingly complex workplace regulations are changing that. More organizations are recognizing that employment law training at all levels of the company makes good business sense and hopefully acts as preventative insurance against potential costly legal nightmares down the road.

When To Train

Frequently, training is provided after a problem or lawsuit has occurred. While that may be a useful time to address issues that have surfaced or to underscore your organizational commitment, it is clearly not preventative and is only one part of the training solution. Training should be provided at various times in an employee's career including:

- **Time of hire** - It is a great time to reinforce the company's commitment to a nondiscriminatory, ethical, and legally compliant workplace and to ensure that new employees are appropriately informed of various requirements.
- **Time of promotion or transfer** - Employees are often promoted to managerial/supervisory positions based on their accomplishments, not managerial knowledge. Consequently, few of these individuals are familiar with employment law basics.
- **Ongoing** - Establishing a culture in which training is ongoing underscores corporate commitments and ensures that employee knowledge deepens and stays current. No employee can possibly grasp the intricacies of the Americans With Disabilities Act (ADA) or Family and Medical Leave Act (FMLA) in one training session.
- **Periodic special training** - New legal or regulatory developments may require focused, training sessions.

Who To Train

The days of limiting employment law training to HR and senior managers are over and shortsighted, especially when a company's greatest vulnerabilities are likely to be at the supervisory level. While training topics and depth may differ depending upon an employee's position, all employees should receive some form of training. Training should be mandatory, as the people most likely not to show up are probably the ones needing it the most.

Employee Training

Employees should receive training covering:

- Company policies, practices, and procedures.
- Specific examples of prohibited conduct, company standards, and expectations.

- What types of conduct should be reported.
- Practical, easy to apply concepts regarding appropriate behavior and respect (specifics about the law are hard to understand and apply or are simply irrelevant to many employees).
- How and to whom to report violations of company policies and standards and inappropriate behavior. A full description of the company's complaint procedure should also be provided.
- The duty to cooperate in all investigations.
- The prohibition of retaliation against persons who report policy or standard violations.
- The company's commitment to a workplace free of discrimination and harassment as well as its willingness to resolve any related problems that arise.

Manager Training

Managers should receive the same training as employees but in greater depth. It may be helpful to divide managers into several groups, since lower-level supervisors are often reluctant to participate or "look dumb" if their managers are present. In addition to basic training, managers should also receive further training on the following topics:

- The need to involve HR as soon as they receive knowledge of a potential problem. HR should conduct/oversee all investigations.
- A manager's job is to report problems, not to investigate. HR should be well-informed and relied upon.
- Reporting processes and procedures.
- Open door policies and the need to encourage employees to report problems.
- An understanding of investigatory and disciplinary processes.
- The special responsibilities and accountabilities of supervisors.
- The need to set an example and represent the company professionally.
- Recognition of the high levels of confidentiality and professionalism required to deal with many of these sensitive issues, as well as the legal implications.