



# For Employers, How to Avoid Lawsuits

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- 1. Ensure a hiring procedure is in place.** Many employers get caught up in the rush to hire new employees and fail to take basic steps in the hiring process.
- 2. Ensure employers' expectations are known.** Employers should communicate basic policies and procedures as well as relevant job information to their employees. New employee orientation, employee handbooks, benefits summaries and other forms of communication are essential in informing employees of their employers' expectations.
- 3. Ensure that employees are correctly classified as exempt.** There has been a recent surge in wage and hour claims filed across the country, and Oregon is no exception.
- 4. Take employees' complaints of discrimination and harassment seriously.** Employees are aware of their rights to work in an environment free of harassment and discrimination.
- 5. Don't retaliate against employees for complaining.** Virtually every law has some sort of retaliation or whistleblower protection. Almost one out of three charges filed with the Bureau of Labor and Industries and the Equal Employment Opportunity Commission include some form of retaliation claim.
- 6. Treat everyone equally and fairly.** Terminated employees who feel they were treated unfairly seek counsel and file unlawful discrimination claims.
- 7. Pay attention to employees' medical issues.** The Americans with Disabilities Act prohibits discrimination against qualified individuals with disabilities and requires reasonable accommodations; the Family and Medical Leave Act requires covered employers to grant eligible employees 12 weeks of job-protected, benefits-continued leave each year; and the Employee Retirement Income Security Act prohibits discrimination against persons because they may file for covered benefits.
- 8. Adapt policies regarding the proper use of computers.** Problems caused by improper use of computers in the workplace can include: claims of harassment, discrimination, retaliation and invasion of privacy; loss or theft of intellectual property and trade secrets; licensing issues; electronic fraud or forgery; and even union-related disagreements.

**9. Establish and follow a procedure for employment termination.** Although employers should be cautious about promising "progressive discipline," they should be reluctant to terminate employees immediately and without warning.

**10. Don't create false reasons for terminating employment.** Employers should not risk their credibility by giving false reasons for terminations.

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