

Minefields and Mistakes in Your Employee Handbook



A comprehensive employee handbook can ultimately save time in training and other aspects of the workplace. However, if you do not review and update it regularly, you may find that your employee handbook can be a source of trouble. Organizations evolve and their policies change, as do Canadian and Provincial rules and legislation. If your employee handbook conflicts with governmental legislation, you may find yourself falling short of the employment standards in your jurisdiction.

How It Can Go Wrong

A staff member from your organization gathers all of the various policies, procedures, and rules of your organization and compiles them into a single employee handbook. It is a worthwhile project, but it takes time and resources, so you want to get it right the first time.

Parts of the employee handbook will be very specific to your organization. Information such as your organizational chart, vision or mission philosophy, list of executives, and other concrete and organizationally specific information are important components of the handbook. As you move along to the other components – codes of conduct, workplace expectations, and workplace policies – you have to be very careful that your rules do not conflict with standards in your province. Consider these examples of potential handbook trouble spots:

5 Potential Minefields for Employee Handbooks

1) ***Leave and Provision of Care policies:*** Providing employees less compassionate care, emergency, sick, personal leave than is required in your jurisdiction. For example, your policy provides 5 days of family emergency leave to care for an ill family member, but the legislation in your jurisdiction requires more. Ensure that you provide appropriate accommodation for employees

who have to provide care, under the protections of family status, to children, parents, or spouses.

2) **Breaks and Hours of Work:** Your employee manual specifies breaks or lunch hours that do not meet the minimum employment standard in your jurisdiction. Your employees sue you for overtime because they were not provided required breaks.

3) **Workplace Harassment:** Include a harassment policy and reporting steps, but also help employees understand the scope of harassment. Include a full definition of sexual and workplace bullying and harassment based on any of the protected human rights, including (but not limited to) disability, gender, sexual orientation, religion, family status, nationality, and race. A narrow definition can lead to problems if an employee seeks legal action against your organization for a harassment issue.

4) **Rules for Overtime and Vacation:** Failure to specify times during the year when employees are not permitted to take vacation time (if this is applicable) and when, if ever, vacation time can be carried over or converted to pay. Also consider including a requirement for employees to have pre-authorization before working overtime, and option to take vacation in lieu of wages for overtime accrued.

5) **Substance Abuse policies:** This includes policy and procedure for testing (be certain it is allowable), management, and accommodation. A detailed and up-to-date accommodation policy that clearly communicates procedures for dealing with substance abuse, including substance abuse identified as a disability, is often overlooked. Substance abuse where disability is not identified can result in different disciplinary procedures.

11 Common Employee Handbook Building Mistakes

1) **Not creating a plan:** Your employee handbook will take time. Your process should include planning content for your handbook, and updating your priorities and timelines.

2) **Not being up to date on legislation:** Planning to address to key legislative updates is not the same as having the up-to-date information. Your second step should be to educate yourself on the legislative changes since the last time you reviewed your handbook, or changes that may have occurred in the past 5 years. In Ontario, for example, the Occupational Health and Safety Act recently required an employer to prepare, review, and implement a written occupational health and safety policy.

3) **Adopting your employee handbook from another organization or jurisdiction:** This commonly happens when organizations have parent companies outside of Canada or in another Province. Rules, policies and procedures in other jurisdictions may not apply in your location. It is fine to borrow structure, content, and some examples, but double check the relevance for your organization.

4) **Failing to schedule regular reviews:** Legislation can take a while to snake through the system, but when it is deployed you often have little or no time to react. Part of your regular review process should include paying

attention to relevant cases in the courts so you can keep an eye out for future changes. Consider scheduling annual reviews or regular reviews every quarter, not to the entire handbook, but 1 quarter of the handbook.

5) **Clarity of application:** Not all components in the handbook apply equally to all employees. For example, employees who work 8-hour shifts will be required to take different breaks and lunch hours than an employee who works a 3-hour shift. Employees who are being accommodated may have different procedures or requirements. For example, an employee with an injury may be permitted to sit more frequently than an able-bodied employee. When crafting policies, it is important to define to whom they apply.

6) **Avoiding the difficult policies or information:** Some policies are easier to apply because the legislation is very straightforward. For example, you must always provide at least 14 days of compassionate care leave in a jurisdiction that requires 14 days of compassionate care leave. However, some requirements are not so specific. The legislation in Ontario, for example, indicates that workplace harassment and AODA accommodation policies are mandatory but they do not always tell you what to say or how to say it. Do not push a difficult policy or task onto the back burner. Get help if you are not sure how to address difficult or contentious issues.

7) **Not keeping employees apprised of significant changes:** When you are busy working and are adding minor updates on a regular basis, it is difficult to find time to inform all employees of all changes. Even if you do regularly inform them, they may tune out your frequent updates. If you are changing the organizational chart or updating a process for submitting receipts, you may not need to broadcast these changes every time. Instead change them and post them, but do not send an email every time. Once a year, you may ask all employees to review the changes and send out a list. However, when changes are significant and include mandatory or legislative changes you need to inform your employees right away.

8) **Not having employees acknowledge legally significant changes:** Updates that are a result of legislative change or have a significant impact on a team or individual should be signed off by all of your employees once they are implemented. Posting the change on a workplace board or eboard is one way to inform employees, but asking them to sign a letter or otherwise acknowledge that they have read and understand the changes is still important.

9) **Failing to ensure employees understand the content in the handbook:** Disabilities or language barriers may preclude some employees from understanding important changes even if they acknowledge that they have read them. It is your responsibility to ensure they understand. This may require accommodation and additional training.

10) **Inconsistently applying information from your handbook:** Vague or ambiguous information can lead to inconsistencies in your handbook. Different teams or managers may interpret information differently. Applying information in the handbook needs to be done consistently, which requires training, consultation, and oversight by HR.

11) **Referencing the handbook in the employment contract without caveats:** Reference the handbook as part of the employment contract, and ensure that new employees agree to review and abide it. Mentioning in the agreement

that you have the right to and will update the employee handbook is a way of reminding everyone that the handbook is a living document.

Do not waste the time and money by making mistakes along the way. Take your time and build your employee handbook well.