

The Perks And Pitfalls Of Employee Handbooks



For most employers we consult with, preparing and distributing employee handbooks seems like just one obvious step in setting up or maintaining a healthy workplace. While employee handbooks can be a great tool to help organize the do's and don'ts of the workplace along with important (and sometimes legally required) employer policies, you may not be aware of some of the potential problems lurking in your handbook. In this blog, we explore some important potential perks and pitfalls of employee handbooks:

- 1. Perk:** An employee handbook can be a helpful vehicle for employers to convey their expectations for their employees (for example to convey your expectations when it comes to identifying the employee's workplace or detailed accounts of the goings on in that workplace or an employee's personal social media accounts) especially seeing as how you can't typically include every expectation in the employment contract. It can also help outline employee responsibilities (for example, filling in a timesheet every Friday for payroll purposes) and what the employee can expect from the employer when it comes to things like scheduling doctor's appointments during work hours. The employee handbook may also act as a convenient place for employers to both house and present policies to employees that employers are legally required to have in place and employees should be familiar with (see our blog post [here](#) regarding policies that many Ontario employers are legally required to have).
- 2. Pitfall:** Many employers want and expect the relationship between the organization and the employee to be bound by the expectations, responsibilities, and policies outlined in the handbook. However, unless the handbook was provided to the employee in conjunction with the employment contract and before employment starts, a court may rule that an employee can't be bound by a policy they didn't know about before signing off on the contract and beginning employment. Employers should carefully consider and strategize regarding the timing of providing a handbook to their new employees or rolling out new handbook/policies to existing employees and when in doubt, get in touch with us!
- 1. Perk:** By rolling out the handbook at the right time and by including legally compliant policies, you will likely provide your employees with the information they need to know and information that most lawyers and courts will expect them to know. For example, Ontario's Occupational Health and Safety Act requires that the majority of employers have workplace harassment policies in place. As lawyers who represent both employers in the handling of harassment complaints,

we often ask employers if their employees were able to look to a policy that let them know how to report this incident and the steps that would be taken following their report. Conversely, if the employee wasn't aware of the policy because they were never shown it or didn't know where to find it, you can count on their counsel using this to their advantage.

2. **Pitfall:** It's easy to feel like you may be a step ahead when it comes to your employee handbook because you can look to a company handbook that was created for a branch of the company that operates in another jurisdiction (whether that be another province or even another country), but generally our tip here is to beware! The jurisdiction you're operating in likely has specific laws and regulations that may not be in line with the laws and regulations of the jurisdiction in which the handbook was drafted. If you're planning on modifying an existing contract to make it work in your jurisdiction, review it with a fine-tooth comb to ensure it truly applies to the area your organization operates within.

One final tip (well that we have time to discuss in this blog because truthfully there are more than just these pitfalls): While we are a firm that loves to use technology to our advantage, be weary of assuming that information or policies you find online are legally compliant for your workplace! Instead, consider [getting in touch](#) to discuss how we can help you review your employee handbook.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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