
Employee Lawsuits Are On The Increase...Why?

Employee Lawsuits are on the rise these days and employers are wondering why. There are several reasons why this is happening. Let's take a minute and discuss some of them. The laws are making it very easy for employees to sue their employer, more so in fact than ever before.

Because of that many Labor Law attorneys here in California are very aggressively pursuing employees to be able to file more employee lawsuits? Today you can go on YouTube and find all kinds of videos concerning the major topics that lead to employee lawsuits.

Not only can you find these things on YouTube, but you can also find adds that these labor law attorneys are running on late night TV. Here are some of the topics that they tend to cover or address.

- Wage Theft

Wage Theft is any time that an employer fails to pay an employee the proper amount for the work that was done. When employers fail to give employees the proper amount of rest and meal periods that is wage theft.

When an employer fails to pay overtime correctly that is wage theft. When an employer misclassifies an employee as exempt that is wage theft.

- Wrongful Termination

There can be several reasons why an employer may be found in a wrongful termination lawsuit. Perhaps you promised the employee verbally that they would have a long-term position with the company thus violating the companies (At-Will Status)

Perhaps you fired an employee based upon your at-will status, but your employee handbook has a progressive discipline policy which promises an implied steps contract through verbiage such as "up to and including", or a steps program that is spelled out directly. Anything like this will destroy your at-will status.

Firing an employee for at-will who is a protected employee either by age, race, gender or any other protected category. If you are going to fire the oldest person in your shop make sure that you have the proper documentation before you proceed.

Be careful when terminating any employee who has either filed a complaint with some government agency or even filed a in house complaint regarding a hostile work environment, or sexual harassment, or bullying in the workplace.

- Failing to have a good employee handbook. If your employee handbook is not updated annually then more than likely it is not current.
- Failing to have the necessary policies that one must have to protect their rights as an employer. Employers need to remember that your employee handbook good or bad is your front line of defense. Good employee handbooks can win your case and bad ones will lose them.
- Failing to pay employees properly at the time of termination or separation. Failing to pay even a penny can cost you a lot of money because of the penalties that will be assessed.
- Failing to enforce your discipline and other policies in a uniform manner.

The purpose of the article is to just give you some ideas, if you would like more information or if you would like to have your employee handbook reviewed please give us a call we would be happy to give you some good input. Call us at 888-358-2221 or my cell 558-284-1912

Again, we are not attorneys and nothing in this post or any other post is meant to be legal advice, only an attorney can give legal advice. But we do have 20 years of practical experience in the areas of California Labor Laws and Cal-OSHA Standards Compliance.