Applying Company Policies

Managers and supervisors seem to be on the receiving end of all accusations regarding any employee action issued such as “you did not treat me the same as others, you single me out.” Disgruntled employees cry “You wait until my lawyer gets through with you.”

We hope you do not hear those accusations every day, but because of the litigious nature of our society these battle cries are becoming more frequent and pervasive. Because of this, managers and supervisors are called upon to defend the actions they’ve taken. They must interpret and apply company policies and practices when complaints are filed with Human Rights agencies or when responding to attorney’s subpoenas and discovery requests. Below are some common factors to consider when applying company policies and practices. Before you as the manager or supervisor act, put yourself in the employee’s shoes and see if all of the following factors have been considered.

FAIRNESS

The first complaint an employee seems to make is that you are not being fair. Fairness is simply an impression in the mind of the employee that infers being treated justly. Is the action issued against the employee fair? Is the discipline administered, or employee action taken, commensurate with the offense committed?

CONSISTENCY

Is the action taken consistent with similar offenses or actions taken in the past? All government agencies, attorneys and judges try to compare past actions to determine if there was discriminatory intent in the action taken by the supervisor. Government agencies and courts will look at the consistent application of policies and practices on an operation wide basis. Or simply stated, does one supervisor interpret rules and policies differently than another. If there is a discrepancy in application or interpretation, the benefit of the doubt will be given to the employee and not the company.

DOCUMENTATION

In applying policies and practices when dealing with employees, is the action taken documented to prove the employee was aware of what was expected of him? Documentation, however formal or informal, is important to stress that the employee had knowledge, had a “fair shake” and was given a chance to improve. Documentation is also proof and the edge needed to persuade a government agency or court that you did what you said and said what you did.”

UNIFORMITY

Like consistency, is there uniformity in the application of company policies and practices? If there is no uniformity, the agencies and courts may not only find in favor of the employee but may adjudge the policy or practice to be invalid. Do all supervisors uniformly apply and interpret company policies and practices?

KNOWLEDGE

Are the employees aware and knowledgeable of what is expected of them? Communication and uniform education of what is expected of all employees is an important element of defending any action a supervisor may take against an employee. Can it be shown the employee was aware of what was expected and was aware of how to perform? Make sure all policies and practices that are in writing are given to the employees and employees are given proper instruction as to what is expected of them.
These five factors are the common threads that always appear in court cases and agency findings in determining if a supervisor’s action taken against an employee was proper.

As we close a year and start a new one, here are some tips that managers and supervisors may want to review in their staff meetings.

1. Review all reprimands in the past year. Discuss them amongst management staff and see if there is consistency and uniformity in application of company policies and practices.

2. Take your employee handbook and dissect its contents as a group so all the management teams understand the intent and purpose behind each section. It’s a great tool for supervisory consistency!

3. Take the company work rules and safety rules and go through each one and form a consensus on its intent and purpose as well as how it should be applied, thus enhancing supervisory uniformity.

4. If there is inconsistent interpretation of a policy practice or rule, develop a consistent interpretation and application with all supervisors.

5. If in your discussions you find exceptions to a rule or a policy that seem to be more prevalent than compliance, discuss how the rule should be changed or modified. Once a rule is changed or modified, communicate it to the employees and now past practice becomes current policy. Rules that are violated frequently may need changing.

6. Have a crew meeting with your employees at least once a year to review the handbook, the work rules, the safety rules, and get input from the employees. They may give new insight as to how policies and practices are perceived by the crew.

FAIRNESS, CONSISTENCY, UNIFORMITY, KNOWLEDGE and DOCUMENTATION are factors that when followed, will help your new year be more productive, pleasant, and profitable. The TPM Staff wishes you and your company that kind of a New Year!