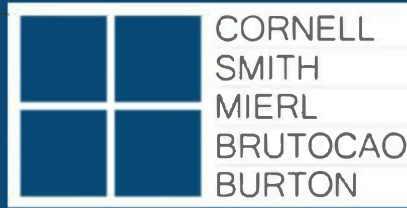


DEFENSIVE DRAFTING of HANDBOOKS



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1

EEO Policies

- Define Prohibited Discrimination:
Age, Race, National Origin, Religion, Sex (Gender; Gender Stereotyping; Sexual Orientation; Gender Identity; Transgender Status), State Specific Protected Classes
- Process for Disability Accommodation Requests
- Process for Religious Accommodation Requests
- Prohibit Retaliation
- Process for Reporting Discrimination / Harassment / Retaliation



2

Harassment Policy – Definitions

- Define Prohibited Harassment:
Age, Race, National Origin, Religion, Sex (Gender; Gender Stereotyping; Sexual Orientation; Gender Identity; Transgender Status), State Specific Protected Classes
- Consider using definition of sexual harassment from amended Texas TCHRA
- Includes Conduct of Employees / Customers / Vendors / Contractors / Cotenants / Etc.



Harassment Policy – Reporting Process

- Provide Process for Reporting Discrimination / Harassment / Retaliation
- Careful encouraging employees to address their concern with the harasser!



Harassment Policy – Reporting Process

- Report to HR or Top Mgmt. Telling the harasser to stop is not a report!
- Don't assume others know conduct is unwelcomed. (Don't rely on a witness to report for you)
- Report again if conduct continues. Don't assume result of investigation will be the same.



5

Harassment Policy – Investigation Process

The Company will investigate and take immediate and appropriate corrective action.

Employee cooperation in Company investigations is mandatory.

Don't guarantee confidentiality.

X Information will be shared only with those who need to know

✓ While confidentiality cannot be guaranteed, the company will endeavor to limit the information to those with a need to know.



6

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Title search: Defensive Drafting of Handbooks

Also available as part of the eCourse

[Employee Handbooks and Employment Policies \(2022\)](#)

First appeared as part of the conference materials for the
2022 Essential Employment Law: A Practical Course in the Basics session
"Handbooks / Employment Policies"