**Why Safety Policies?**

There are no laws requiring employers to have handbooks and policy manuals, even for safety and health issues. However, having clear written policies helps to ensure that employees understand your safety and security rules, leading to fewer work-related injuries and illnesses and a safer workplace.

The investment of time and money to create written policies often comes with measurable financial returns. By lowering your rate of work-related injuries and illnesses, your company may experience lower workers’ compensation insurance premiums, higher productivity, and decreased operating costs, in addition to an improved reputation with the community, with potential employees, and with its own workforce.

**What Is a Policy?**

**A Policy Is a Guide**

A policy is a set of principles a company uses to guide actions and decision-making under a given set of circumstances. Clear, well-written policies ensure consistency and compliance with the law within the framework of company objectives and management philosophy.

Key functions of policies include giving rules that can be applied consistently; answering frequently asked questions for employees, meeting legal requirements for providing certain information to employees in writing, and outlining company goals.

**Definition of Terms**

Policies are often confused with rules, objectives, procedures, and plans. Let’s clear up the confusion in these areas first:

* A **rule** is a specific statement about what behavior is allowed or not allowed or what action is required. For example, workers in certain areas must wear safety glasses and hardhats, or workers running machines cannot wear jewelry.
* A **procedure** is a sequence of steps or a method for accomplishing something. In other words, a procedure details how the company’s policy is to be carried out, but it is not a statement of the policy itself.
* An **objective** is a goal that the company has set for itself—for example, to have no lost-time injuries during this quarter.
* A **plan** is a set of activities designed to achieve the objective. Let’s say the objective is to keep evacuation times below a new prescribed level. The company’s plan for evacuation drills might include:
	+ Strict adherence to procedures for employees,
	+ Meetings with supervisors to emphasize the importance of reducing evacuation times,
	+ A procedure for regularly reviewing times, *and*
	+ Memos to supervisors in underperforming areas reminding them to enforce certain disciplinary procedures for chronic nonparticipation or laxness.

**Misuse of the term “policy”**

Often, supervisors and managers cite “policies” to avoid responsibility for an unpopular decision or course of action. They also use policies to justify discipline measures or refuse a request for special treatment, or as a guide to decision-making in difficult or controversial circumstances.

Supervisors and managers also sometimes see policies as a threat to their individual authority and discretion because they either don’t understand the purpose behind policies or because policies are so poorly defined and written that their purpose is unclear.

And employees can come to regard policies as the overriding, but incomprehensible, “law” that keeps them from getting or doing what they want.

As a result, in many organizations, the word “policy” has a negative connotation. There are three major reasons for this view of company policies:

1. No one understands the purpose of the policies.
2. Many policies are poorly conceived and written.
3. Policies are not changed when they no longer serve their original purpose.

These problems are especially acute if “policies” take the form of a constant flow of memos, directives, and vague “understandings” about how certain situations should be handled rather than a clear set of written guidelines.

**Your Company’s Policies**

Clear safety policies allow you to plainly state rules, regulations, and procedures that affect safety, security, and wellness in your facility. Conversely, a lack of safety policies—or noncompliance with them—can send the message that employees’ safety is of secondary concern to the bottom line. Your company’s handbook is the logical place to communicate your policies.

By consistently applying and communicating safety and security policies and incorporating these policies into core business processes, employers can:

* Reduce the cost and frequency of penalties for health and safety violations.
* Minimize the likelihood of lawsuits.
* Lower health insurance and workers’ compensation premiums and other medical costs.
* Increase productivity and morale.
* Expand safety and health awareness at all levels.
* Improve communication and trust between management and workers.
* Bring about a lasting, positive change in employee relations.
* Ensure minimal disruptions for customers and clients.
* Protect the company’s reputation.

**OSHA and State Agencies**

The federal Occupational Safety and Health Administration (OSHA) and state departments of safety and health administer regulations that give both employers and employees rights and responsibilities relating to workplace safety.

Your employees should know that the Occupational Safety and Health Act of 1970 gives them a right to a safe and healthy workplace. Section 5(a)(1) of the Act, also known as the General Duty Clause, states, “Each employer shall furnish to each of its employees employment and a place of employment [that] are free from recognized hazards that are causing or likely to cause death or serious physical harm to its employees,” and adds, “Each employer shall comply with occupational safety and health standards promulgated by this Act.”

Under the General Duty Clause, employees also have safety responsibilities. The Act states, “Each employee shall comply with the occupational safety and health standards and all rules, regulations, and orders pursuant to this Act which are applicable to his [or her] own actions and conduct.”

When developing safety policies for your company, it is important to ensure that they comply with all relevant OSHA standards and regulations as well as address the specific conditions and hazards applicable to your industry and workforce. Safety policies are a means of communicating to your employees their rights and responsibilities relating to workplace safety and explaining how the company will implement the OSHA regulations that apply to its operations.

It is important to remember that the purpose of the General Duty Clause is to prevent accidents and injuries, not to place blame on anyone. Although your safety policies should include clear disciplinary consequences for employees who choose not to follow them, it is very important to communicate that employees will never be retaliated against for reporting an accident, an injury, a near miss, or a hazardous condition.

**About the Policies on Safety.BLR.com**

Safety.BLR.com provides a selection of policies on various topics relating to workplace safety, health, and security. These policies often include tips and considerations for developing your own policy, as well as sample templates you can customize for your facility.

For some topics, policies are classified as strict, standard, or progressive depending on the approach taken with regard to flexibility and discretion. In most cases, a standard policy represents the middle ground in content and/or scope.

**Why Must Policies Be Put in Writing?**

Without written policies, managers and supervisors will often rely on decisions made by peers and predecessors who have handled similar situations in the past. Other managers rely on instinct, dealing with each situation as it arises and relying on their own judgment to make the right decisions.

Either approach results in inconsistencies, which in turn can result in misunderstandings, grievances, and even lawsuits. A single manager’s decision—with no written policy to back it up—can set “policy” and influence dozens of similar decisions by other managers and supervisors.

If the original decision was a good one, this may not result immediately in any disastrous consequences. But if the manager acted ignorantly, illogically, or even illegally, the original error in judgment will be repeated many times over by managers and supervisors who think they are acting in accordance with company policy.

These examples of what can happen when policies are not put in writing show that a comprehensive written policy manual is essential in today’s workplace.

**Needed: A policy handbook or manual**

Your company needs an up-to-date, authoritative source of guidance and information to which managers and supervisors can turn not only in situations where the right course of action is unclear, but also in cases where they are tempted to act on memory or instinct.

With a policy manual to point the way, or to back up what they feel is a justifiable action or decision, company managers and supervisors will be able to act swiftly, decisively, fairly, legally, and consistently. Fairness and consistency will assure employees that they are being protected from personal bias and poor judgment.

Of course, having a policy manual will not solve all your problems. Supervisors must not only know what the company’s policies are, but also understand the reasons behind them. Without this understanding, they cannot effectively enforce the policies.

Some policy manuals give a brief introduction to each policy, stating the reason a policy is needed in this area, and what the company hopes to achieve through implementation of the policy. Such information is invaluable when it comes to explaining an unpopular decision to employees or when a supervisor must decide on a course of action that runs contrary to his or her instincts.

**A Policy as a Frame of Reference**

In addition, many of these policies should also be part of an employee handbook, so that employees understand what type of behavior is expected of them and understand the guidelines their supervisors will be using in making decisions. They provide the framework and background for such decisions, so that employees know why a certain action or decision is the right one under the circumstances.

If employees forget or have any doubt about safety or security procedures, they can consult the company handbook for a policy on that subject as a reference on what to do. This concept works well when employees also understand that their safety performance is part of their performance appraisal and could affect their pay and job security.

Most employers distribute handbooks during orientation and/or post them on the intranet. However, you will want to be sure that all employees can reference your safety policies. For employees without access to computers, it may mean having a “kiosk” computer available in each department or in employee break rooms so workers can access the online handbook.

This also means taking into consideration any special needs that employees may have. As long as it does not involve undue hardship, consider videotaping or voice recording your handbook for employees who cannot read or who have visual deficiencies. You may also want to publish or record your handbook in another language for employees whose primary language is not English.

**How Are Policies Made?**

Most policies are a natural outgrowth of the decision-making process. A manager confronting a situation or problem for the first time surveys the facts and makes a decision that he or she feels is appropriate. Later, a similar situation may arise, but under different circumstances. The manager who must make the decision the next time around has to revise the original to fit different circumstances. After a period of time, you will have many supervisors and managers making totally different decisions in the same area. Many policies arise, therefore, out of a need for consistency.

The best policies:

* Develop out of the best decisions of the past.
* Incorporate the careful thought, good judgment, and valuable experience of all the managers who have been confronted with problems or decisions in a particular policy area.
* Weed out the irrational, illogical, and unfair decisions that have contributed to unequal treatment.

**Policy Committees**

Policies are often made when a group of people, sometimes called the policy committee, sits down together and tries to hammer out specific policy statements on the basis of some of the considerations previously mentioned. They review past practices and the traditional approaches to certain situations, as well as the latest legal requirements and management trends and techniques. They try to pool their ideas and experiences, iron out their differences of opinion, and come up with policies that are both fair and workable.

Ideally, this policy committee is composed of representatives from the employee, supervisory, and management ranks, so that the interests of all three groups can be taken into consideration in policy formulation.

When a new policy has been completed, it is prudent to have it reviewed by your company attorney and/or your insurance carrier for any legal or liability issues.

**The Policy as a Communication Tool**

Well-written, up-to-date policies serve the purpose of guiding managers and supervisors in making decisions and exercising discipline. However, there are a number of other, less obvious, benefits:

A policy serves as a basic communication tool. The process of compiling a policy includes a survey of managers’ and supervisors’ views on the subject or policy area, providing top management with an opportunity to learn their views, what steps they would like to see the company take, what areas are giving them problems, and where confusion and misunderstandings lie.

Remember that communication should not stop once the manual is completed. On the contrary, communication should continue between supervisors and employees, as well as between supervisors and their superiors, to ensure that policies are effective.

Every time there is a policy question, the supervisor or manager has an opportunity to improve communications and understanding with the employee(s) involved. Indeed, some employers “rewrite” or “review” their policies periodically to reeducate supervisors on the policies and to change the ones that are not meeting the company’s goals.

**The Policy as Documentation**

A policy serves as documentation. There are legal areas in which change occurs constantly, such as privacy issues, medical examinations, group healthcare, the Internet, telecommuting, information-disclosure rules, environmental protection legislation, and OSHA regulations. In the absence of good corporate policies, managers and supervisors are likely to make costly mistakes in these and other areas.

If you can prove that you have a clearly stated and widely publicized policy in key areas, it will help with defense of any litigation. Also, if your policy is effectively communicated to employees and supervisors alike, the chances of a complaint being filed in the first place will be greatly reduced.

To document the fact that policies were communicated to employees, have employees sign a separate statement acknowledging that they:

* Have received the safety policy handbook,
* Have read the policies and understand them, *and*
* Understand that they may ask their supervisor for further information or clarification.

Whenever policies are revised, issue replacement pages or a new handbook and have new acknowledgment statements signed.

**Other Functions of Policies**

**Consistency.** Fast-growing organizations, those that have undergone decentralization, and those in which managers of relatively small operating units make decisions that affect the entire organization, are only a few examples of the need for clearly stated and widely understood policies.

While it may not be possible—or even desirable—to control all management decisions, it is certainly desirable to provide managers with a framework within which they can make their own decisions on important or sensitive issues in a fair and consistent manner.

**Resources.** A policy is a resource tool. Employees are becoming more outspoken about their desire to understand how and why their employer affects their lives both on and off the job and are most likely to address their questions to their immediate supervisors or department heads. It is, therefore, essential that these individuals have a resource for the appropriate answers.

**Public relations.** A policy is also a public relations tool. Because of the demand for more information about company operations and objectives by employees, shareholders, consumers, and community members, policies can be invaluable public relations tools, both internally and externally. A company that has comprehensive and well-publicized policies relating to employee or consumer safety, for example, may be able to reduce potential litigation and damage to sales, profits, and prestige when a problem arises.

**Legal Concerns**

While your company’s policies do not have to be written in “legalese,” this does not mean that you do not need to consider the legal implications of your policies, or that you won’t ask your company’s lawyer to review them. In fact, we recommend you do both.

Despite all their good points, employment policies may create legal liability issues when a policy either runs counter to state-law mandate or when breach of contract or wrongful discharge claims arise from any failure to follow policies and procedures. As a result, policies must be written within the context of the various federal and state laws governing employment.

Also, policies may create a contractual obligation that will be enforced by the courts. Depending on the specific facts of a case, state courts throughout the country have ruled that wording of policies in an employee handbook may in some circumstances create a contract between employer and employee.

In this climate, you must treat your handbook as a quasi-legal document, and for this reason, it is best to seek an attorney’s advice in drafting the language. Some courts have found that policy handbooks create a contract if:

* The handbook’s terms are communicated to and accepted by the employee.
* The employee has continued working for the employer.

Also, emerging case law indicates that guarantees, implied promises, and imperative statements found in employee handbooks may get an employer in trouble. This area of the law continues to be active and is constantly evolving.

Employers writing any provision in an employee handbook should always assume that the provision is legally binding on the employer (in other words, it is a “contract”).

So have your company counsel (and your insurance carrier, if applicable) review any new policy carefully and make sure it says what is meant and allows the company to deviate from the policy as necessary.

**How to Write Your Own Policies**

As you work on your policies, jot down notes concerning additional points that you might want to include in your policy or issues to take up with your policy committee.

To weave these points together into a clearly and coherently presented policy statement, use the sample policies available on Safety.BLR.com. Read them carefully—and critically—to see how the various items of information have been organized and presented. You may find one that strikes you so favorably you want to model your own policy statement on it. You should have all the information you need to put together a policy statement that is in keeping with your company’s best past practices and management philosophy.

If your organization is grouped into divisions or departments, topics can be developed, written, and/or reviewed by staff members within those divisions so that specific safety and security issues can be addressed in a coherent manner.

Before you write your policies, be aware of applicable laws. As part of your policy-making system, create a method to determine changes in the law (such as using the information on Safety.BLR.com), and then change your policies accordingly.

As has been emphasized, have the policies reviewed by your company’s legal counsel to make sure they preserve management’s rights and convey the desired message.

**Avoid Confusing Language**

The goal of the language used in your handbook is to avoid ambiguity, so keep your word choice as simple and clear as possible.

Do not use words that imply that management has no discretion to modify or change policy.

Remember:

* You want a policy that is easily understood so your supervisors can follow it.
* You want a policy that is easily understood so your employees can follow it.
* If you do have a lawsuit over your policies, you want a policy that a jury can follow.

And speaking of juries, review—or have your company lawyer review—your handbook for anything that might cause problems later, especially at a trial. For example, a list of terminable offenses may imply that no other offenses are punishable by termination.

**Disclaimers**

The safety handbook should include a disclaimer, clearly identified by bold type and written in plain, easy-to-understand language, which states that:

* It is a guideline, not a contract of employment, whose purpose is to inform employees about policies.
* It revokes all previously issued handbooks.
* It may be changed at any time without prior notice.
* Management has the right to deviate from the policy as conditions warrant.
* It does not constitute a contract of employment, which may only be issued in writing.

Make certain that any disclaimer does not contradict any other part or policy in the handbook.