

Loss Control Questionnaire: **Employment Practices Liability**

Provided by Turner Insurance Group





GENERAL BEST PRACTICES				
	Yes	No	N/A	Notes
Does your organisation have a human resources (HR) department or dedicated employees who handle HR matters?				
Does your organisation have an in-house legal department?				
Does your organisation have access to legal services from outside counsel for employment-related matters?				
Does your organisation have a process in place to ensure awareness of applicable government compliance requirements?				
Does your organisation have procedures in place to stay updated on changes to employment laws and regulations?				
Does your organisation have employment practices liability insurance (EPLI)?				
Does your organisation review its EPLI policy on an annual basis with an insurance professional?				
Does your organisation display labour and employment law posters as required?				



EMPLOYEE HANDBOOKS				
Employee Handbooks – General	Yes	No	N/A	Notes
Does your organisation have an employee handbook?				
Does your organisation distribute its employee handbook to all staff?				
Is your organisation’s employee handbook reviewed by HR or a solicitor on a regular basis?				
Does your organisation follow the policies set forth in your employee handbook?				
Are all employee handbook policies applied consistently across the organisation?				
Does your organisation’s employee handbook use clear and concise language?				
Does your organisation’s employee handbook include a provision that establishes your organisation’s right to modify the handbook?				
Does your organisation communicate any changes to your employee handbook to staff when they are made?				

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Does your organisation's employee handbook include an acknowledgment form that staff must sign and return, indicating that they have received and understood the handbook?				
Does your organisation's employee handbook outline standards of conduct and progressive disciplinary measures?				

Employee Handbooks – Specific Policies	Yes	No	N/A	
Does your organisation's employee handbook contain an equal employment opportunity statement?				
Does your organisation's employee handbook contain an anti-harassment policy covering sexual harassment and other discriminatory harassment?				
If applicable, does your organisation's employee handbook contain provisions for 'employment at will'?				





RECRUITING AND ONBOARDING

Job Descriptions and Job Postings	Yes	No	N/A	Notes
Does your organisation develop job descriptions for each specific role?				
Do job descriptions identify the essential job functions that are integral to each specific role?				
Are your organisation's job descriptions compliant with non-discrimination, disability and equal employment opportunity laws?				
Are job descriptions periodically reviewed by legal experts with experience in employment law?				
Are job openings posted internally?				
Does your organisation retain copies of job postings and external job advertisements?				

Employment Applications	Yes	No	N/A	
Does your organisation require all applicants to complete a uniform application form?				



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Does your organisation have a formalised process for collecting, reviewing and retaining job applications?				
Does your organisation's application state that it is not an offer of employment?				
Does your organisation's application include a provision requiring acknowledgment by the applicant that all the information included on the application is truthful?				
Does your organisation's application state that your organisation will not discriminate during the recruitment process or at any phase of employment?				
Does your organisation's application include a section for an applicant to provide former employer contact information?				
Does your organisation's application include a section confirming that the applicant releases the employer from liability resulting from the use of former employer contact information?				
Does your organisation's application avoid inquiring about applicants' health, disability, criminal convictions or arrest records (or other inquiries prohibited by law)?				

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Is the organisation's application form regularly reviewed by legal experts with experience in employment law?				
Interviewing	Yes	No	N/A	
Do managers receive training on proper interviewing techniques?				
Does your organisation have a pre-written list of interview questions to ask applicants?				
Does your organisation understand which interview questions are illegal to ask?				
During the interview process, are your employees asking only legitimate, job-related questions?				
Are all applicants for the same position asked the same or similar job-related questions?				
Are interview questions designed to avoid identifying an applicant's age, sex, disability, minority status or any other protected status?				
Does your organisation's recruiting or HR department conduct pre-screening interviews prior to inviting a candidate to interview with managers?				

Testing	Yes	No	N/A	
Does your organisation conduct drug and alcohol testing of applicants?				
Do applicants sign a 'consent to drug and alcohol testing' form?				
Do all drug and alcohol testing procedures comply with UK laws?				
Do all drug and alcohol testing procedures comply with collective bargaining agreements, if applicable?				
Do legal experts review all drug and alcohol testing procedures and policies on an annual basis?				
Background and Reference Checks	Yes	No	N/A	
Does your organisation screen all prospective employees by conducting thorough background checks?				

<p>Is authorisation for employee credit and consumer reports lawfully obtained pursuant to the Consumer Credit Act 1974 and other applicable laws?</p>				
<p>If your organisation uses a third party to conduct a background check pursuant to the Consumer Credit Act 1974, are applicants prompted to complete a 'disclosure and authorisation to obtain consumer reports' form?</p>				
<p>Are your organisation's background checks designed to check only for information needed for security or job-related purposes?</p>				
<p>Are your organisation's background checks conducted with the same rigour for all applicants and employees?</p>				
<p>Prior to making employment decisions, does your organisation provide applicants a copy of the consumer report with a written description of the applicant or employee's rights under the Consumer Credit Act 1974?</p>				
<p>After making an employment decision based on a consumer report, does your organisation provide the applicant or employee with a notice of the adverse action, in addition to other required disclosures under the Consumer Credit Act 1974?</p>				

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Does your organisation screen all prospective employees by conducting thorough reference checks?				
Did your organisation obtain the applicant's written authorisation before checking their listed references?				

Offers of Employment	Yes	No	N/A	
Are your organisation's job offer decisions made by, or subject to, the approval of more than one individual?				
Are your organisation's offer letters drafted to specify the terms of employment?				
Are your organisation's offer letters drafted to include the start date, salary and potential benefits?				
Are your organisation's offer letters reviewed to ensure they provide for employment at will?				

Onboarding	Yes	No	N/A	
Does your organisation have a formal orientation or onboarding programme for all employees?				

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<p>Are all your organisation's new employees given a packet of necessary documents on their first day, including a training schedule and software logins?</p>				
<p>Does your organisation provide new employees with all necessary tax documentation, including Form P60?</p>				
<p>Does your organisation provide new employees with all relevant HR-related forms (eg direct deposit and emergency contact forms)?</p>				
<p>Does your organisation's orientation or onboarding programme provide education on the company's culture, expectations and policies?</p>				



PERFORMANCE EVALUATIONS, DISCIPLINE AND DISMISSALS

Performance Evaluations	Yes	No	N/A	Notes
Does your organisation conduct performance evaluations for all employees at regular intervals?				
Are the criteria for your performance evaluations job-related and as objective as possible?				
Are your managers trained on how to conduct proper performance evaluations in compliance with employment law?				
Does HR or management review all performance reviews before presenting them to employees?				
Are employees allowed to review their performance evaluations with their manager?				
Are employees allowed to comment on their performance evaluations?				
Are employees required to sign their performance evaluations?				





Discipline - General	Yes	No	N/A	Notes
Does your organisation have clearly expressed, written disciplinary standards?				
Does your organisation apply your disciplinary standards uniformly throughout the organisation?				
Does your organisation provide notice of deadlines that disciplined employees must comply with to avoid further discipline?				
Does your organisation use a progressive discipline system in order to provide a chance for employees to correct their behaviour?				
Does your organisation meet with the disciplined employee in private to discuss the discipline?				
Does your organisation selectively use language that explicitly describes the offending conduct, without reference to the employee's character or condition?				
Are oral warnings memorialised in employees' personnel files?				
Does your organisation maintain written records of warnings, issues and prior discipline, with dates and a signed acknowledgment by the offending employee?				



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Are your organisation's written records drafted in plain, accurate language that covers the offending conduct in total?				
Do your organisation's written records detail the manner in which the offending employee can improve their conduct?				
Do your organisation's written records detail the consequences of additional offending conduct?				

Dismissal - General	Yes	No	N/A	Notes
Does your organisation have a dismissal process that addresses issues starting from the communication of the dismissal through its conclusion?				
Does your HR department conduct a full investigation of misconduct or poor performance that is sufficient to draw a complete and logical conclusion?				
Does your organisation consult with legal experts when faced with unfamiliar and complex dismissal-related issues?				

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Does your organisation ensure that the decision at the culmination of the investigation is equivalent to decisions made in other similar circumstances in your workplace?				
Does your organisation create a detailed script to follow prior to dismissing an employee?				
Does your organisation's script contemplate what happens after the dismissal decision is made, including action items such as returning employer property?				
Does your organisation ensure that there are at least two organisation representatives to witness the dismissal meeting?				
Does your organisation have a reference policy that requires all reference requests to be made in writing and forwarded to HR rather than employees' direct supervisors?				

HARASSMENT AND DISCRIMINATION

Harassment and Discrimination – General	Yes	No	N/A	Notes
Does your organisation have a written policy prohibiting unwelcome conduct in the workplace that is based on, or motivated by, the victim's membership in a protected class?				
Does your organisation have a separate written policy prohibiting discrimination based on a protected characteristic?				
Do your organisation's policies address the potential liability for harassment and discrimination based on race, colour, religion, sex (including pregnancy), national origin, age (specifically for individuals aged 40 or older), disability or genetic information, among others?				UK laws may prohibit harassment and/or discrimination based on additional characteristics.
Does the policy include a statement of zero tolerance with regard to harassment and discrimination?				
Does the policy give explicit examples of conduct that constitutes harassment and discrimination?				
Does the policy include a thoroughly developed complaint procedure?				

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Does the policy require prompt reporting of all harassing or discriminatory conduct?				
Does the policy provide a procedure to allow a complainant to bypass a supervisor if that supervisor was the alleged harasser or discriminator?				
Does the company have an internal policy or procedure for thoroughly and promptly investigating employee complaints?				
Do your organisation's investigators confirm the confidential nature (to the extent possible) of the harassment or discrimination investigation to the complainant?				
Does your organisation submit this statement to every employee, both physically and electronically?				
Does your organisation require employees to acknowledge their receipt of the harassment policy in writing?				
Does your organisation conduct annual training with managers and employees about the company's discrimination, harassment and policies?				





Does your organisation annually review its operating procedures and policies to eliminate discrimination and harassment on the basis of a protected characteristic?				
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Responding to Reports of Harassment and Discrimination	Yes	No	N/A	Notes
After receipt of a harassment or discrimination complaint, does your organisation promptly commence an investigation to take remedial action?				
Does your organisation take interim measures, when necessary, to avoid further harassment or discrimination during the investigation?				
Does your organisation select or designate a neutral and properly trained individual to conduct the investigation?				
Does your organisation preserve extensive documentation, including the employee's signed harassment or discrimination policy acknowledgment, notes regarding when the complaint was made and to whom, as well as the dates of the alleged harassment or discrimination?				





Upon completion of the investigation, does your organisation take immediate corrective action that reflects the severity of the conduct, if necessary?

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EMPLOYEE LEAVE				
Employee Leave	Yes	No	N/A	Notes
Does your organisation have written, clearly defined employee leave policies, such as paid holiday and sick leave?				
Does your organisation communicate leave policies to employees?				
Does your organisation have a policy addressing any leave of absence that may be required by law, including family and medical leave, military leave and any other legally-required leave?				
Are managers trained to recognise when an employee's request for time off triggers leave rights under applicable laws or employer policies?				
Does your organisation have procedures in place for employees to request leave under applicable laws or employer policies?				
Are procedures for employee leave requests communicated to employees? When employees request leave, does your organisation provide them with required forms and notifications?				



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Does your organisation require a fitness-for-duty certification at the end of the employee's leave, as a condition for returning the employee to the job?				
Does your organisation administer leave policies and programmes in a manner that does not discriminate against employees based on protected characteristics?				



RECORD-KEEPING				
General	Yes	No	N/A	Notes
Are your organisation's records maintained based on a written record retention policy?				
Are all appropriate documents maintained in personnel files to defend against potential legal cases, including employee applications, general employment files, evaluations and payroll documents?				
Are all employment-related warnings regarding performance and/or disciplinary issues documented in writing?				
Are medical files stored in a confidential manner, completely separate from other personnel documents?				
Are all documents related to personnel actions kept for at least one year from the date of the action?				
Are all records related to dismissed employees kept for at least one year after the date of discharge?				