This document highlights the primary legal risks associated with human resource management. Minimizing legal risks serves two important purposes:

1. Lawsuits are typically time consuming, stressful, and expensive. Proactively working to prevent lawsuits from current and former employees from occurring is just as important as winning lawsuits.
2. Even more important, in minimizing human resources risks, you also build a safe, positive environment free from discrimination where employees can use their skills, knowledge, and experience to meet business goals. A positive workplace supports and improves employee performance, and encourages them to thrive and do their best, which ultimately benefits your hog operation.

Minimizing Risk
To help minimize legal risk in your hog operation, the first highly recommended practice is to list the advice of a qualified employment attorney. Your attorney can help you assess your human resources risks and recommend specific actions to take to reduce them.

The second recommendation is to familiarize yourself with both the federal and state laws that apply to human resources management. Laws and regulations vary by business type, location, and size, and will change over time. State laws often vary, so it is important that you are aware of the applicable laws for the state (or states) in which you do business and that you consult your attorney or the human resources department. See also "Labor and Employment Laws of the 50 States".

In addition, you can:
- Implement policies, procedures, and practices that identify the expectations and standards of behavior in the workplace. Include measures to manage risk and handle problems and violations.
- Document improper, illegal, and unacceptable behaviors and performances.
- Develop a good filing system and keep organized, complete employee records.
- Subscribe to a newsletter on work laws and regulations to receive regular updates.
- Provide a safe working environment.
- Recruit and hire employees based on job requirements.
- Deal quickly and appropriately with harassment or discrimination complaints.
- Follow the progressive disciplinary process with documentation when an employee's performance does not meet standards or expectations.
- Do not terminate an employee in the heat of the moment. Use the cooling-off period. Remove the employee from the workplace. If necessary, put the employee on paid leave.
- Terminate employees "for cause" only, even if your operation is in an "at will" state that either allows the employer or employee to end the employment relationship without notice.
- Avoid terminations at sensitive periods, such as after the death of immediate family member or during holidays.
- Remove poor supervisors and managers from their positions, particularly if they are verbally abusive, do not enforce policies and practices consistently, or fail to follow policy guidelines themselves.
- Ensure that employees receive timely, appropriate feedback on their performance.
- Treat all employees with respect, honesty, and integrity, as you would wish to be treated.

Common Human Resources Labor Laws
Four laws define the requirements for employment, health and safety standards, and worker protection standards. These include:
- Employment eligibility: Federal law allows Social Security cards, permanent resident cards, alien registration receipt card with photographs, and other designated documents as acceptable proof.
• **Employment of minors**: These laws vary from state to state based on age, hours worked, and the classification of the job being performed.

• **Occupational Safety and Health Administration (OSHA)** Standards for use of protective gear and equipment features vary from state to state and task to task.

• **Workers Protection Standards (WPS)**: These standards help reduce the risk of pesticide poisonings and injuries among agricultural workers.

### Meeting Requirements of OSHA and WPS

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<th>Possible actions to comply with these laws include:</th>
<th>Consequences for non-compliance may include:</th>
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<td>• Posting of information alerting employees to proper usage, dangers, and emergency measures</td>
<td>• Fines and penalties</td>
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<td>• Training of employees and supervisors on proper usage, dangers of, and emergency actions</td>
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<td>• Issuing of requirement safety gear, such as goggles, steel-toed boots, protective gloves, and monitoring of equipment usage</td>
<td>• Health and safety risks to employees</td>
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<td>• Documentation for any accidents or non-compliance</td>
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<td>• The reputation as an unsafe place to work, which then makes hiring qualified workers challenging</td>
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<td>• The danger and expense of lawsuits</td>
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### Labor Laws – Harassment and Discrimination

Four key laws are designed to protect current and prospective employees from harassment and discrimination in the workplace. They include:

• **Title VII - Discrimination and Harassment**: Passed in 1964, Title VII is the oldest of these laws and protects employees from harassment and discriminatory employment practices based on an individual's race, color, religion, sex, or national origin.

• **Age Discrimination in Employment Act (ADEA)**: This law protects workers age 40 or older from harassment and discriminatory employment practices based on age.

• **Americans with Disabilities Act (ADA)**: This law protects an individual from harassment and discriminatory employment practices based on the employee’s disability. An employer has a duty to reasonably accommodate an individual, or be in violation of the Act.

• **The Family Medical Leave Act (FMLA)**: FMLA Provides job protection for an eligible employee who must take time off due to his/her own serious health condition, that of a family member, or for the birth or adoption of a child. Employees may take up to 12 weeks in a year, and generally the employer must restore the employee to the same or an equivalent position upon return to the workplace.

### Sexual Harassment and Discrimination

Sexual harassment and discrimination are the most frequent type of complaints in the workplace. There are two legal definitions of harassment:

• **Quid pro quo** means "something for something." **Quid pro quo** harassment occurs when a job benefit is directly tied to an employee’s submission to unwelcome sexual advances.

• **Hostile work environment** harassment occurs when an employee is subjected to unwelcome comments of a sexual nature, offensive sexual materials, or unwelcome physical contact with a regular part of the work environment. Supervisors, managers, co-workers and even customers can be responsible for creating a hostile environment.

Usually a single isolated incident will not be considered hostile environment harassment, unless it is extremely outrageous and flagrant. The courts typically look to see whether the conduct is both serious and frequent.