

Why Company Policies, By Themselves, Are Not Good Enough To Protect Your Company

Company policies will not assist employers in litigation if employers do not effectively communicate the policies to employees and if employers do not enforce the policies. A recent decision from the Alberta Court of Queen's Bench demonstrates the proverbial "worst case scenario" where an employer has policies in place, but the policies were not enforced nor communicated to employees through training.

In *Garrioch v. Tessman*, an employee of the Company caused a motor vehicle accident while driving a Company truck for personal reasons. The plaintiffs, who were passengers in the Company vehicle at the time of the accident, filed a lawsuit against the Company arguing the Company was liable for their injuries.

The Company responded by stating it should not be held liable for the injuries because it had a policy in place which prohibited employees from using Company vehicles for personal use. Employees were aware of the policy since it was included in the Company's job application. Moreover, the Company argued that it provided training to its employees regarding the Company's policies, including its policies regarding the safe use of Company vehicles, as well as the non-use of Company vehicles for personal use.

Multiple witnesses at the trial provided ample evidence, however, that the personal use policy was never enforced by management. The testimony also indicated that employees were not properly trained on Company policies. Accordingly, the Court found that the Company's policies were nothing more than "*paper policies*", and the Company was found liable for the injuries caused to the plaintiffs.

This case clearly demonstrates that the mere existence of policies will not protect employers from liability. Employers must have the following protocols in place: (1) employee onboarding to ensure employees receive the policies and receive training on the policies; and (2) manager's consistent enforcement of the policies.

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Please contact e2r to speak with one of our Advisors to discuss how to properly train employees on policies and how to ensure your managers are properly enforcing your policies.