5 Employee Handbook Sections That May Need an Overhaul In 2023

"I think a lot of companies don't update their employee handbooks as often as they should," Diverse & Engaged CEO Dee C. Marshall told HR Dive.

As HR leaders wrap up the year, they may want to revisit some sections of the employee handbook. Anchiy via Getty Images

If there's ever a time to rethink your handbook, it's now, according to Diverse & Engaged CEO Dee C. Marshall. The timeliness has less to do with the fast-approaching new year — the obvious time to roll out a replacement handbook — and more to do with the wave of change that recently swept the workplace.

"The pandemic sparked an awakening among people," Marshall told HR Dive in an interview. "They re-evaluated workplace norms and decided many no longer work for them."

Workers' new expectations may clash with employers' old policies, Marshall warned. Policies that ban flexibilities normalized by the pandemic may feel frustratingly out of date. And yet, many organizations punt on handbook refreshes. "I think a lot of companies don't update their employee handbooks as often as they should," she said.

For employers that ignore antiquated policies, their risk is two-fold, according to Marshall. First, they risk losing candidates and employees. Second, they risk missing out on innovation. Such employers also risk lawsuits due to noncompliance, she said.

As employers consider their current policies, they may decide to create a set of criteria to judge their handbooks against their values. "This is an opportunity to hone in a little deeper," Marshall said. "This is a chance to create a framework to evaluate these policies."

HR Dive spoke with Marshall and two other sources who identified five areas employers should consider revisiting when crafting their 2023 handbooks.

#1: Appearance

Even before workers were wearing sweats to Zoom meetings, organizations were beginning to relax their dress codes. Now that the pandemic has normalized comfy work wardrobes, employers must ensure written policies regarding appearance take the new reality into account, Marshall said.

Employers should also reconsider policies regarding "professional hair," according to both Marshall and Fisher Phillips Partner Tyler T. Rasmussen. "We've seen a doubling down for protections for hairstyles, as well as religious garb," Rasmussen said.

The CROWN Act, for example, bans race-based hair discrimination in the workplace. The CROWN Act or similar legislation has been enacted in 19 states, and a bill proposing its adoption at the federal level now sits with the Senate.

#2: Work arrangements

With the shift to hybrid work, organizations must set clear expectations around communication, and performance, according to CompuCom CHRO Karen Rice. "Managers and associates both play a significant role in making [hybrid work] successful within their teams, and HR teams have an opportunity to provide tools and guidelines to make it even easier," Rice said.

Organizations may feel particularly motivated to tackle this topic in their handbooks, as workers demand flexibility. "Even with a recession, the great resignation is still here," Marshall noted. "Companies don't want to be inflexible."

#3: Technology

Policies outlining technology rules should accompany a handbook's section on remote and hybrid work. Multi-factor authentication made it much more possible for employees to use their own devices, Rice said. "But where does your company stand on allowing employees to purchase and use their own technology?" she asked.

Organizations that allow employees to use their own tech will need to decide, for instance, whether the company will reimburse workers for their work-related tech expenses. The handbook will also need to include policies that ensure safety and security.

#4: Sick leave

Before the pandemic, many states and localities lacked sick leave laws. But that's changing; "As employers update their handbooks, they need to touch base with their local attorneys to ensure their policies are compliant," he said. "They need to ensure they are up to speed on and aware of what employees are entitled to underneath these local laws."

#5: Marijuana use and testing

Marijuana may still be illegal under federal law, but President Joe Biden has announced his administration will review marijuana's scheduling. Meanwhile, more states are adding protections for workers. In California, for instance, employers can't discriminate against workers for legal marijuana use outside work.

"Employers need to get out in front of this trend and make a decision as to how they want to treat those who test positive and how they want to use testing so they treat everyone fairly," Rasmussen said. This preparation will include a look at job descriptions — "there will always be jobs where you can be more strict for safety reasons," he noted.

Rolling out changes with clear communication

No matter the changes HR decides to make in its 2023 handbook, it needs to make a plan for communicating those updates to employees. This process ideally begins before the changes are made, Rice said.

"The first step in communicating is to listen to employees," she said. "HR listening to, acknowledging and empathizing with employee's frustrations goes a long way toward establishing open communications in order to improve the experience, increase productivity and foster an engaging culture."

Once the handbook is published, employees need time to review and acknowledge the new material, Rasmussen said. He generally recommends giving workers a small window of time to complete this task: long enough to read through the handbook, but brief enough that the task stays front of mind.

Lastly, HR — alongside managers — should ensure they're ready to answer questions about any changes made. "Set up a procedure so that employees have the ability to get time with someone who is knowledgeable on the handbook and can really answer those questions," Rasmussen said. "Ensure the people you direct them to are knowledgeable regarding the changes and how they're implemented."