

7 HARD TRUTHS

No One Tells You About
Labor Law Poster
Compliance

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Introduction

Labor law poster compliance seems simple. However, there are specific details regarding the laws and accompanying posters no one tells you before you dive in. For example, did you know there are special display guidelines when it comes to labor law posters? Or that you may not need to replace labor law posters every single year?

In this guide, you will learn:

- The unknown consequences of displaying out-of-date labor law posters
- The unexpected challenges to labor law poster display
- What language requirements your labor law posters may be missing
- And more

1 • Displaying out-of-date labor law posters not only leads to fines and litigation, it's also a disservice to your employees.

Fines

Each poster you fail to display has its own penalty. For example, failure to post the *Family and Medical Leave Act (FMLA)* posting has roughly \$100 fine. If your company receives a few fines, this may seem manageable. But, imagine if each of your locations was fined. The totals add up, and this doesn't include the fines you may owe to the employees themselves if faced with litigation. Ouch. You can view individual posting fines [here](#).

Litigation

In addition, businesses that fail to post required labor law postings are subject to employee litigation. Labor law postings inform employees of their rights, such as paid leave, minimum wage and much more. If employees are not aware of these rights, they can file a lawsuit. Litigation may cost your business money and its reputation. No one wants to be known as a company who neglects employee rights, do they?

Employee Experience

You value your employees, so show it! In addition to posting requirements, displaying labor law posters demonstrates transparency while communicating workers' rights and company policies.

So, how can you remain compliant with labor law posting updates? **The GovDocs Update Program** is an annual subscription that provides new or updated posters to affected locations whenever a posting change occurs.

2. Labor law poster display can be complicated, as you need to consider the size, font and display location.

Labor law postings have specific sizes to be visible to your employees. However, the size depends on the posting. For example, the *Occupational Safety and Health Association (OSHA) Job Safety and Health* posting must be 8.5 by 14 inches to be compliant.

Most postings have font requirements, as well, because they need to be easily readable. Using the same example, the *Occupational Safety and Health Association (OSHA) Job Safety and Health* posting must feature a minimum 10-point font.

Also, although they might not create the most beautiful office ambience, labor law posters must be displayed in a conspicuous area. A conspicuous area means any common space where most of your employees visit daily, such as a breakroom or kitchen.

Last, certain labor law postings must be displayed for job applicants. These include:

- *The Equal Employment Opportunity (EEO) is the Law*
- *Family and Medical Leave Act (FMLA)*
- *Employee Polygraph Protection Act (EPPA)*

3. Compliance vendor scams are real, and they may happen to you.

Your company may come across a variety of labor law poster or compliance vendor scams, whether at the corporate level or in individual locations. Here are a few you should watch out for:

Poster Update Notices

This type of scare tactic presents itself as an urgent notification message (email, call, etc.), but instead contains a poster update order form. It often contains legal jargon regarding increased fines for non-compliance. The vendor behind this type of notice wants the receiver to order the recommended poster immediately. However, you shouldn't buy this poster, as the vendor doesn't know anything about your company or compliance needs. Many recipients will submit payment for fear of non-compliance and receive a potentially unnecessary poster.

“Open Immediately” Letter to Company Locations

If your company has multiple locations, you know labor law compliance is hard to manage on its own. However, it can be even more complicated by the “Open Immediately” vendor scare tactic, as it adds concern at the location level. With this type, an individual location of your company will receive an urgent, “open immediately” message (email, mail, etc.) with a fine warning. Often, locations fall for this type of scam as they believe the message is from their corporate office. They believe the fine warning is valid and purchase whatever poster is offered. To prevent this from happening, make sure your locations understand how your labor compliance program works, and that they should not respond to these notices.

4. The move to a \$15 minimum wage is here, and it's not slowing down.

In 2012, 200,000 New York City fast food workers walked off the job, demanding \$15 an hour and union rights. Today, this movement is active in nearly 300 cities worldwide. Here in the U.S., action has raised wages for 22 million workers, 10 million of which are on their way to earning a \$15 rate.

Why \$15, you ask? Well, \$15 an hour for a full-time worker – working 40 hours per week – earns about \$30,000 annually, which is just shy of the U.S. poverty threshold of \$34,000 a year. Also, there have been discussions about how the average minimum wage worker has changed over time, and the accompanying pay rate should adjust accordingly.

Many states and cities have, or are moving to, a \$15 rate. A few examples include:

- Seattle (now)
- New York City and Sunnyvale, CA (by 2018)
- New York (by 2021)
- California (by 2022)
- Minneapolis, MN (by 2024)

As the trend continues, we expect to see additional jurisdictions enacting similar laws. As these laws continue to pop up, the number of accompanying posting updates will as well, adding yet another layer to your compliance strategy.

5. You may not have to replace every single labor law poster each year.

It's tempting to purchase new labor law posters at the beginning of the year, as you may think buying new posters each year guarantees compliance. However, your current posters may still be perfectly compliant.

Also, postings may change anytime during the year. And, government agencies may issue postings later than their laws' effective dates. This means if you purposefully replace and buy brand-new posters at the beginning of the year, something could change the very next week and you will have to buy them again. This strains your responsibilities as a labor law compliance professional and your compliance budget.

The best way to verify your posters are up-to-date is through an audit. To perform an audit, you may need to cross-reference the print date on your posters with posting effective dates, provided by issuing agencies or poster vendors. See our guide, **4 Essential Audit Tools for Compliance Management**, for more information.

6. You may need to display labor law posters in additional languages.

In the U.S. today, Spanish is the second most spoken language (behind English),* with Spanish-speaking Americans representing the fastest growing language group.

This leaves many employers wondering, “Do I need to provide postings in languages other than English?” The answer is: it depends on the posting.

Some postings require you to post Spanish-language postings if you have 10% or more Spanish-speaking employees. Others require you to because of the state your location resides.

Because there are so many individual posting rules, this is hard to keep track of, especially on top of all the other posting needs your locations have.

* U.S. Census Bureau, 2011-15 American Community Survey 5-Year Estimates

7. You can't be sure each company location has displayed new or updated posters.

You spend time, money and resources to ensure your company locations have the most up-to-date labor law posters. However, once delivered, you can't be sure your location manager has displayed the posters.

Often, posters are misplaced in a back room - or completely forgotten -until the next update shipment arrives. Or, the locations simply add the poster to the wall, without removing the old one.

Ensure your locations receive and display labor law poster updates with **GovDocs Poster Check**.

Summary

Key Takeaways:

1. Prevent litigation, fines and employee relations issues with up-to-date labor law posters.

Close off the risk of fines, litigation and employee relationship turmoil by simply updating your labor law postings. Your employees, your legal team, and your wallet will thank you in the long run.

2. Make sure your labor law posters are displayed in the right size, font, and location.

Each poster comes with its own set of display requirements. Make sure you display in the right size, font and location to ensure your labor law posters can be read easily by your employees and avoid possible fines.

3. Keep an eye out for compliance vendor scams.

Your company may receive unsolicited labor law poster vendor scams. The best way to avoid them is to make sure your locations understand how your labor compliance program works, and that they should not respond to these notices.

4. \$15 minimum wage is sweeping the nation and could be coming to a city near you.

As the trend continues, we expect to see additional jurisdictions enacting similar laws. As these laws continue to pop up, the number of accompanying posting updates will increase as well, adding yet another layer to your compliance strategy.

5. Just because it's a new year, doesn't always mean you need new labor law posters.

It's tempting to purchase new labor law posters at the beginning of the year. However, your current posters may still be perfectly compliant. The best way to verify your posters are up-to-date is through regular audits.

6. Additional language translations of labor law posters may be required at your locations.

Companies with non-English speaking employees may need to display labor law posters in multiple languages. The most common in the U.S. is Spanish, as it is the second most spoken language behind English. Research your labor law poster requirements for each of your locations to ensure you are reaching all employees.

7. How can you be sure your locations displayed updated posters?

Often, posters are misplaced in a back room - or completely forgotten - until the next update shipment arrives. Or, the locations simply add the poster to the wall, without removing the old one. Ensure your locations receive and display labor law poster updates with **GovDocs Poster Check**.

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