

Punitive Damages Are Preventable



Six-figures. That's what a rogue manager can cost you in punitive damages if he accidentally blows a call that HR would have caught. It's surprisingly easy for an untrained manager to step in it. We've written about a [couple examples](#).

Don't add zeros to an employment claim.

Train your folks on your EEO and anti-harassment policy. Training, plus a solid EEO and anti-harassment policy, may give you a strong defense against punitive damages.

Never training your employees on your EEO policy strips your defense. In [EEOC v. Service Temps](#), the company had never trained its folks. The EEOC latched onto that. At trial, the EEOC secured \$68,000 in punitive damages and an injunction that imposed mandatory training. The Fifth Circuit refused to overturn the award.

Punitive damages are no stranger to the Texas Supreme Court too. In [Safeshred v. Martinez](#), the Court expanded punitive damages to *Sabine Pilot* wrongful discharge claims. Some commentators say the opinion lets Texas state discrimination law plaintiffs collect punitive damages more easily.

Over the past couple years, your company may have pushed training to the backburner. The Fifth Circuit and Texas Supreme Court may have just sent you a friendly reminder to put training back on the agenda.



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