

HRD Training Liability Assessment Survey

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Businesses and governmental agencies must contend with a myriad of legal threats to its survival and long term growth. The following survey items are associated with the training and development function of an organization. The purpose of the survey is to raise awareness of potential liability for the training and development function. The survey or its results and any interpretation are not intended as legal advice. Consult with competent legal counsel for advice as necessary.

Read each statement and note those statements which are accurate for your organization. If you are not sure, check with the appropriate people in your organization to decide if the statement applies.

This organization . . .

1. makes decisions about who will or will not attend training and development programs.
2. has had an EEO investigation that alleged unfair practices regarding methods used to select who will attend training programs.
3. uses qualifying tests as a predictor for successful completion of training and development programs.
4. uses evaluation of participant learning as a predictor to validate employee or promotional selection methods.
5. will likely have participants who have learning or physical disabilities apply for and attend HRD programs.
6. has a history of complaints from OSHA alleging unsafe business practices.
7. requires employees or contract personnel to perform tasks that are deemed hazardous by industry standards or regulatory agencies of the government.
8. requires employees or contracted personnel to use equipment that could result in injury or death is not used properly.
9. requires employees to have contact with chemicals, hazardous materials or bloodborne pathogens.
10. has a history of litigation alleging negligent selection, retention, training or supervision.

- _____ 11. has a history of claims for workers' compensation and other types of insurance claims.
 - _____ 12. pays a higher percentage rate for workers compensation insurance compared to other similar organizations.
 - _____ 13. mandates adventure based-based training programs for developing employees and managers.
 - _____ 14. uses experiential exercises in a classroom setting in which participants may be expected to reveal and discuss personal beliefs and values.
 - _____ 15. uses business practices or processes considered proprietary or secret.
 - _____ 16. has subscriptions to magazines and technical, trade, or academic journals.
 - _____ 17. develops training and development programs using print, computer based instruction, multimedia applications, or elearning software applications.
 - _____ 18. has employees who are required to follow strict ethical guidelines the performance of job duties
 - _____ 19. has officers, managers, or employees who could engage in criminal activities, such as fraud, embezzlement, and crimes against the environment, etc.
 - _____ 20. uses external auditors who have statutory and regulatory responsibility to report fraud and other illegal and unethical activities.
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The items used in this assessment are associated with the following state and federal laws:

- Items 1 – 5 are associated to state and federal laws regarding equal opportunity, employee discrimination, disability, and related laws.
- Items 6 – 12 are associated with state and federal laws regarding safety and health laws and negligent training.
- Items 13 and 14 are associated with laws and court decisions associated with adventure based and radical experiential learning techniques.
- Items 15 – 17 are associated with federal copyright and state and federal trade secret laws.
- Items 18 – 20 are associated with serious ethical violations and criminal activity committed by senior officers, employees and their organizations.

Based on your survey results, does your organization appear to be at risk? Should you discuss your findings with your chief learning officer, training manager, human resource manager, or legal counsel? You are advised not to discuss your findings with anyone outside of your organization as you may be breaching confidential information that could be detrimental.

For additional background information, access [Publications](#) for articles by Dr. Sample on the subject of liability and the training function. Also, be sure to review the current and past issues of the [HRD Liability Update](#).

Sample & Associates will assist your organization with confidential audits, program development and instructional design services, as well as case preparation assistance with your organizations legal counsel.

The **HRD Training Liability Assessment Survey** is copyrighted by Dr. John Sample. This survey may be used in limited quantities within an organization for legitimate and ethical purposes.

You do not need to contact me for permission unless you plan to survey people outside of your organization, use the survey for research purposes, or for use in a public workshop for which you will be paid a fee.