

End of paper trail leads to digital files in disputes

Your company gets sued by a former employee for age-discrimination. A current employee files a sex discrimination charge with the Equal Employment Opportunity Commission. Another worker complains to your human resources department about a discriminatory and hostile work environment.

Claims of discrimination aren't the only thing those employee actions have in common. They might trigger a hugely burdensome obligation to learn about and alter the way your business handles its electronically stored information.

Once litigation is reasonably anticipated, you have a duty to not destroy information that could be connected to relevant evidence.

There is nothing new in that. However, employers are beginning to see the effects of a case several years ago that sent shock waves through the employment-law community.

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