

Human resource development

Want to motivate your employees? Keep your company safe and you will

by Joan Curtice

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A safe, dignified and respectful work environment is not only mandated by the law but it makes good business sense. In this article, the author tells managers why and how to ensure the best working environment for productivity and how to motivate and maintain top quality employees.

Is your company legally compliant in terms of fairness and safety? What do these terms mean? Does your workforce feel motivated to work hard for you? Do your employees feel they can communicate with their managers about problems, concerns or other issues without judgment or retaliation? Are charges (or even hints) of discrimination or harassment routinely investigated and resolved?

If these kinds of conditions are not being addressed at your firm, you may be courting disaster. At all times, management must know what to do to insure legal compliance and to create a work atmosphere that is safe, dignified and respectful. Such an environment also ensures that employees can be their most productive.

What is a "safe" work environment? A safe, dignified and respectful work environment is not only mandated by the law but it makes good business sense. A safe environment typically results in increased motivation and productivity. People are at their most productive when they are not distracted with concerns for their safety or well-being.

What are the observable hallmarks of such a work environment? It is one where:

- employees are treated with dignity and respect.
- the work environment is free from verbal abuse or harassment of any kind.
- "put down" humor or practical jokes are forbidden.
- sexual harassment is not permitted.
- rude and/or profane language is not tolerated.
- no sexually explicit jokes, calendars or other pornographic materials are posted anywhere or sitting on or in any employees' desks.... or transmitted via email!

- no negative references are made to anyone's skin color, religious affiliation, national origin, sexual orientation or gender.
- bullying behaviors or comments concerning people's body parts, body type or weight are frowned upon.

The most successful companies promote these quality environments and consistently reap the benefit of productivity for doing so.

Fairness to employees: why you should care & what it costs when you don't

Many companies play with fire when they refuse or forget to work hard to insure that all their employees are treated fairly. Often, it can be simply a case of ignorance of either the laws or the penalties for dismissing such requirements. However, many millions of dollars in fines are meted out each year to companies that ignore, flaunt or outright disagree with equal employment opportunity and sexual harassment laws. In addition to huge fines, many of these companies are at risk for lowered morale, reduced productivity and potentially for costly litigation if a circumstance is not resolved to an employee's or a legal agency's satisfaction.

In recent years, many lawsuits that have occurred due to sexual misconduct have settled with extremely large payments to those employees who have initiated the litigation. The federal Equal Employment Opportunity Commission (EEOC) has heavily fined companies that did not satisfactorily resolve employee complaints.

On behalf of women who alleged harassment some claims settled as follows:

- In 1998, Astra USA agreed to pay \$10 million to settle allegations of sexual harassment along with attempts to cover it up. When the EEOC investigated numerous allegations of sexual harassment, it looked into the company's secret monetary settlements with female employees over the years to determine if those settlements were part of a collaboration by management to cover up the alleged misconduct.
- In 1998 Mitsubishi paid \$34 million in a sexual misconduct settlement. The Company's North American division paid awards of \$10,000 to \$300,000 to 486 female workers to settle

allegations that women on an assembly line were harassed and managers did nothing to stop it.

- In 1999, Ford Motor Company agreed to pay \$7.75 million to an estimated 700 to 900 women to settle complaints that they were groped and subjected to crude comments and graffiti at two Chicago-area plants.
- In 2003, Dial Corporation agreed to pay \$10 million to settle a federal lawsuit brought by women who said the soap maker ignored complaints of harassment by men.

Often the costs to settle are not only the fines payable to the litigants but also include additional costs when the EEOC requires other efforts such as sensitivity training by outside consultants. In the case of Ford, the training was ordered across the nation and the cost was estimated by the EEOC to be at \$10 million. Further costs can be incurred when the EEOC orders an independent board to be set up to review the settlement and follow up efforts. This type of board might consist of members named both by the company, i.e., Ford, and the EEOC.

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Litigation regarding inappropriate behavior is not only brought forward by women in the workplace. In 2003, a Massachusetts jury awarded a county correction officer \$624,000 because they found that he had been harassed because he was gay. In 1997, another jury in Massachusetts awarded a man \$1.2 million since they found that he was wrongly fired because the management at the hospital that employed him believed he was gay.

In general, there is a lack of understanding regarding how much and how extreme this kind of workplace abuse can be. Employees' jobs can be made difficult and sometimes impossible when they are distracted by co-worker or management harassment.

Less measurable: costly disrespect

An article in *USA Today* (by Marilyn Elias) quoted a study co-authored by psychologist Lilia Cortina of the University of Michigan-Ann Arbor and Vicki Magley. A report of their study was delivered at an American Psychological Society meeting in Toronto. Study results were based on various surveys and concluded that an extreme level of rudeness is rampant in the US workplace that both damages mental health and lowers productivity. For example, in the report, 71% of 1100 workers surveyed said they had experienced put-downs or condescending and outright rude behavior on the job. Unfortunately, the study goes on to suggest that the demeaned employee faces a Catch-22 in that complaining often triggers social or management retaliation and not reporting the abuse fosters anxiety and depression. Neither of these scenarios produces job satisfaction or enhanced productivity. Such rudeness can act as a poison in the workplace.

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Awareness and training: don't fight it, do it!

Many businesses, especially small businesses, often rail against the laws and regulations addressing discrimination and diminish the importance of this type of worker safety, complaining that the laws are intrusive, costly and restrictive. If and when an incident in one of these companies gets reported to a state or federal agency, often action is taken against such companies, for example, either by a state agency in the US or by the federal government (the EEOC - The Equal Employment Opportunity Commission). As discussed earlier, fines and lawsuits cite violations for sexual harassment as well as racial, ethnic origin, religious or age discrimination, with errant companies paying heavy prices as a result. These costs can far outdistance those of some simple awareness and training efforts that a company can provide.

In many cases, awareness and training can save the day and prevent both pain for the employees and costly fines or litigation for the company. Developing awareness is simple and inexpensive. It starts with the fact that companies are required to post certain materials (legal posters) in well trafficked areas such as common hallways, cafeterias, coffee stations and the like. When new employees are hired, they are required to should receive a copy of the company's sexual harassment policy. This is also a good time to acquaint new employees with the company's position on equal and fair treatment of all its employees. Many companies go another step and present in-house training programs on the requirements of a safe and dignified workplace much like they train employees in other safety regulations, i.e., fire evacuation, safe handling of hazardous materials, and the like.

“Truly safe” environments insure workers feel supported

“Truly safe” work environments are both genuinely protective and proactive. They are companies in which employees feel confident that they have a place to go when they have a problem. They do not wonder: “Is it OK to go talk to somebody about this?”

They know they can. The reason they know they can is that an “open door policy” has been written, published and discussed at the company — often. Such a policy is one in which senior management promulgates the belief that any employee at any time can speak to any manager or supervisor in the company if s/he (the employee) has a problem or a concern.

In a truly safe environment, top managers actively publicize and ensure that all employees know that senior staff members are behind this effort. They advertise it often and communicate relevant procedures and resources, so that everyone feels comfortable and safe. An open door policy is well worth the effort of writing and then providing training to managers and supervisors regarding how to deal with employees who may come to them with concerns.

When your “favorite” employee may be getting you into trouble

US state and federal regulations are designed to define certain categories of employees as “Protected Classes.” This definition includes certain demographic groups, among them: women, minorities and people with disabilities. The regulations protect minority groups based on certain factors such as race, ethnic/national origin or religious affiliation; other laws protect employees based on age, sexual orientation, marital status, gender and other classifications. Those are clearly defined “legal” statuses. However, there exists in certain companies another “protected class.” This arbitrary group may consist of those employees deemed to be management’s “favorites;” often they are the company’s rainmaker or star producer. In the very worst case, it can be a VERY most senior manager.

What happens when this “favored person” goes about exhibiting egregious behaviors in a company? What if the favorite is making those around him/her extremely uncomfortable? What if the favorite is acting in an outright discriminatory manner or even as a bully? The simple answer is that other employees are negatively impacted by these behaviors. The complicated answer is that the company is put in the position of having to confront such unacceptable behaviors in ways that need to effectively extinguish such offenses without offending the “favorite.” No easy task!

Other members of management are frequently reluctant to place any restrictions on a key producer’s inappropriate behavior for fear of “killing the golden goose.” In the case of a very ill behaved senior manager (the CEO, for example), the phrase “career limiting” (translate - lose your job) may apply to the Human Resources person who will often be “elected” to solve the problem. Perhaps... in some cases, the Board of Directors may become involved.

However, ignoring or refusing to take action does not exonerate the company, nor does it make the inappropriate behaviors disappear. Enough dissatisfaction on the part of a very disgruntled employee will take the matter out of the company’s hands and deliver it to a US state agency or the federal agency – the EEOC. The fact that an exhaustive investigation

can follow such a report is the beginning of one of the most costly pieces of litigation a company can encounter. In many cases, fines have exceeded tens of millions of dollars after years of legal ramifications. So, difficult though the choice may be, the better path to take is to manage such situations inside the company.

An extreme example of this kind of wrongdoing along with cover up efforts is part of how Astra USA agreed to pay \$10 million to settle allegations of both sexual harassment and attempts to cover it up during the tenure of a chief executive who was fired after running the firm for 15 years. The company and its former chief executive blame each other for the scandal that erupted at the company that led to charges of rampant sexual harassment and a hostile work environment for women on its sales force.

Write and publish the policies

Companies need to have clearly written anti-harassment policies that define and describe prohibited behaviors. These policies need to contain specific instructions regarding how and where to report any violations, that is, any inappropriate behaviors.

The companion policy that should accompany a company’s “we don’t tolerate harassment/we will punish it” policy is a clear statement that the company will not retaliate against anyone who makes a complaint about such a violation. The non-harassment policy is only as good as the company’s willingness to allow it to work. It cannot work in an environment that contains fear of retribution. A non-retaliation policy sends a clear message that retaliation will not be tolerated; it is as illegal as the harassment itself.

To further ensure that a company can avoid any situations where employees go outside the company to resolve difficulties or conflicts, an Open Door Policy is recommended. This policy will spell out the specific people to go in the organization to discuss problems; these “go to” managers must have the authority to take action. This effort can enable your company to avoid litigation from a disgruntled employee. Inviting issues to “bubble up” for discussion and not be suppressed often prevents legal actions.

Every company should regularly assess the behavioral aspects of how managers react to inappropriate behaviors and activities in the workplace. Managers need to be trained to listen objectively, seek the truth and refrain from “blaming the victim.”

Beyond safety into worthiness

Another of a company's major challenges is how to create an environment in which employees feel worthy. How can organizations create an environment honoring personal worth? First of all, setting a climate of worthiness “starts at the top.” The CEO is responsible, along with his or her direct reports, for establishing the company's mission in clear and communicable terms. “Clear and communicable terms” means everyone knows it. It is regularly stated at company meetings; there are posters on the walls defining the corporate mission.

Secondly, several additional factors are needed to ensure that this climate of worthiness becomes pervasive:

- Clear organizational goals must be communicated to everyone so that employees can see what is needed to make the company successful, i.e., to achieve its mission. One feels worthy when one contributes to the overall goals that ensure the company's success.

- Managers need to be very mindful of their subordinates' needs to contribute in a meaningful way, and so managers need to establish and communicate clearly defined, realistic, measurable goals that are consistent with the company's overall direction.
- Managers need to regularly provide accurate feedback to their subordinates to keep their efforts on track. This feedback should occur no less than monthly in a formal setting and daily any time it is observed.
- Managers need to play a significant role in “advertising” their subordinates' contributions to the organization so that employees experience worth and know that others are aware of their contributions, thereby developing status.

If all these conditions are met, organizations will reap the benefits of motivated employees eager to contribute to the corporate goals. The feelings of both safety and worthiness can allow employees to feel enthusiastic as well as achievement and goal oriented.