

STOPPING TROUBLE BEFORE
IT STARTS

EFFECTIVE AWARENESS,
COMMUNICATION, AND
UNDERSTANDING IN THE
WORKPLACE

WHY ARE WE DOING THIS?

- Something did not go as intended
- It's good practice
- You might learn something
- Exposure and/or liability come from ignorance of the primary concepts

THE BASICS

I know the BIG 7, Honest I Do...

<u>Class</u>	<u>Definition</u>	<u>Example</u>
1.	:	-
2.	:	-
3.	:	-
4.	:	-
5.	:	-
6.	:	-
7.	:	-

AM I PROTECTED?

An employee cannot be held liable when he or she harasses or discriminates against another employee.

TRUE _____ FALSE _____



DIFFERENT OPTIONS

An Organization can be held responsible for illegal harassment or discrimination caused by:

- A. Its Supervisors
- B. Coworkers
- C. Vendors
- D. Customers, Clients, Patients, Citizens & Participants
- E. All of the Above

THE MAGIC WORD

The definition of an illegal hostile work environment is:

- A. A workplace filled with derogatory language toward everyone
- B. A workplace filled with excessive workloads and difficult hours
- C. A workplace filled with comments and actions related to protected classes such as race, gender and disability
- D. All of the Above

PERCEPTION IS KEY

- Perception Bias
- Perception Miscommunications
- Perception Problems

POINT OF VIEW

BY SHEL SILVERSTEIN

Thanksgiving dinner's sad and thankless
Christmas dinner's dark and blue
When you stop and try to see it
From the turkey's point of view.

Sunday dinner isn't sunny
Easter feasts are just bad luck
When you see it from the viewpoint
Of a chicken or a duck.

Oh how I once loved tuna salad
Pork and lobsters, lamb chops too
'Til I stopped and looked at dinner
From the dinner's point of view.



PERCEPTION INPUTS

- Values
- Needs
- Social Roles
- Environment
- Genetics
- Cognitive Abilities
- Our Senses
- Culture
- Age

PERCEPTION BIAS

- Stems from assumptions about
 - Appearance
 - Information about thought processes
 - Work styles
 - Behavior

PERCEPTION BIAS

- Can be positive or negative – we get to choose – both can be happening – both can be wrong
 - Seeking or looking for positive attributes in a person based on our viewpoint or impression of what we believe a person to be = rejecting others because we do not believe the others have certain qualities on which we may be too narrowly focused
 - Can present problems if the perception is inaccurate, i.e., giving more work to an employee we believe is flexible – can lead to overworked employees and poor workload sharing
 - Can cause stagnation, communication issues, and poor retention

CONFLICT ISSUES - EVERYONE IS DIFFERENT

- Collaboration
- Competition
- Avoidance
- Accommodation
- Compromise

SPECIFIC ACTIONS

1. Use *yes, and* statements.
2. Don't point fingers.
3. Let the person explain themselves, and actively listen.
4. Use *I* statements.
5. Maintain a calm tone.
6. Show a willingness to compromise or collaborate.
7. Don't talk behind people's backs.

SPECIFIC ACTIONS (CONTINUED)

- 8. Don't take anything personally.
- 9. Pay close attention to nonverbal communication.
- 10. Prioritize resolving the conflict over being right.
- 11. Know when to apologize and forgive.
- 12. Focus on the conflict at hand and not past ones.
- 13. Use humor, when appropriate.
- 14. Remember the importance of the relationship.

PERCEPTION BIAS

- How to Avoid
 - Be aware/acknowledge bias
 - Avoid assumptions/Be open-minded
 - Eliminate a preconceived “type”
 - Ask for objectively measurable information/use an objective standard
 - Aim for inclusivity – keep the workplace/scenario flexible

PERCEPTION TOOLS

- Amplify the signal – follow up or provide more information in our communications – don't assume people know all the details
- Avoid “mind-reading” – have direct communication with one another – don't assume you know what someone is thinking
- Know the difference between facts and inferences – the plural of anecdote is not data
- Monitor or avoid labels – classification is generally helpful over broad issues, but can create division or “mind-reading” in others

7 C'S OF COMMUNICATION

1. Clear
2. Concise
3. Concrete
4. Correct
5. Coherent
6. Complete
7. Courteous

4 C'S OF DIAMONDS

- Cut
- Color
- Clarity
- Carat

WORKING WITH FEELINGS

- Be aware of others' workload and/or priority projects - it is okay to ask if now is a good time and be particularly aware of overwork or burnout
- Make efforts to understand the perspective of coworkers and the people served
 - This includes the audience for messaging inside and outside the organization
- Work to actively listen to coworkers, supervisors, and subordinates
- Allow for input from others
- Properly express disagreement with others using effective communication practices



PRIMARY OBJECTIVES

- Learn about yourself – know and acknowledge your potential areas of bias
- Don't assume
 - People know
 - People always do or say X
- Practice the 7 C's of Communication
- Use empathy, but be aware of issues it can create

AND HIRING THE RIGHT PERSON ...



FOUR STAGES OF HIRING

- Stage 1 - Paper Stage
 - Proper initial documents, proper evaluation of documents, and appropriate documentation of decisions for next stage.
- Stage 2 – The Interview
 - Proper interview process, proper interview panel, appropriate questions/discussion, and complete documentation for decision-making
- Stage 3 – Verification to Offer
 - Proper background and reference checking, appropriate offer letter
- Stage 4 – Orientation/Onboarding
 - Proper communication of key policies (Harassment and Discrimination, Timekeeping, etc.), proper communication of expectations

OBTAINING TALENT

- Current environment is a job seekers' market –
 - Leads to less detailed applications or resumes
 - Can create easy targets in less experienced employers
 - Perception issues occur when protected class topics enter interviewing or hiring process
 - Watch out for professional plaintiffs

IN THE BEGINNING ...

- Tools To Have in Place
 - Accurate, updated Job Description that contains
 - Clear description of position responsibilities
 - Well-established essential functions
 - Proper minimum requirements for education and job functions
 - Proper advertisement of position
 - Includes either accurate job description or proper description of essential functions and requirements
 - Includes EOE statement
 - Includes accurate instructions and timeline for submission of application AND resume

ANOTHER HELPFUL TOOL

- Candidate Profile
 - Broader than job description
 - What things, characteristics, abilities seemed to make people successful in this position
 - The opposite: What things, characteristics, attitudes seemed to make people unsuccessful in this position
 - Can include both objective and subjective ideas and positives or concerns related to existing personnel BUT
 - We must avoid protected class considerations

ON PAPER

- Application
 - Is it properly completed - E.g., are all questions answered, are there errors, are all areas to be signed completed?
 - Do the knowledge, skills, and abilities meet the requirements of the position?
- Resume
 - Allows for more creative expression and expansion of application information
 - Similar objective evaluation – does it properly and completely provide information that allows for evaluation of the candidate

ACCENTUATE THE POSITIVE (& VICE VERSA)

- Review of application and resume should provide for quick reference to decide on interviews.
- Develop beforehand the must haves, the preferreds, and the absolutely nots.
- Provide brief written bases for rejection of candidates at application stage.
- If social media is being considered, consider it at this point.
- Establish ranking for non-eliminated candidates with written bases.

THE FIRST MEETING

- Interviews often represent the first meeting with a person and allow for perception issues on both sides of the process.
- Attempt to develop diverse interview panel of qualified individuals – consider meeting in advance to address priorities and refresh appropriate topics/questions.
- Ensure candidate has job requirements (job description or advertisement) and understands what those requirements are.
 - “Did you have an opportunity to review the job requirements? Are you aware that the position specifically requires XXXXX? Do you have any questions about the position requirements?”

DON'T CROSS THE LINE

- Legal issues occur when preoffer and postoffer inquiries get mixed up.
 - Can inquire about whether the candidate can perform the essential functions of the position.
 - These questions can be broken down into specific tasks.
 - If there is an indication from observations or responses that a person may not be able to perform the essential functions of a position, you can inquire as to how the candidate would perform that function.
- Employers can administer non-medical evaluations at this stage (typing, programming, etc.)
- Any remotely medical processes must be administered post-offer and must be consistent across the position. Different positions can have different processes.

CONTROL THE INTERVIEW

- Keep bringing the interview back to the job requirements.
 - Purposeful or not, candidates can derail the questions asked and the purpose behind the questions asked.
 - “How did you learn of this position?”
 - “Are you aware of any relatives working here?”
 - “What are activities or hobbies that you like to do outside of work?”
 - “What accomplishment in your life brings you the most pride?”

DO'S OF INTERVIEWING

- Ask All Applicants Whether They Will Have Any Difficulties In Performing The Requirements Of The Job As Listed On The Job Description
- Ask All Applicants Whether They Will Have Any Commitments That Will Prevent Them From Meeting The Specified Work Schedule
- Carefully Record Observations Regarding An Applicant's Verbal And Nonverbal Communication Styles
- Ask All Applicants Whether They Are Willing To Travel To Meet The Responsibilities Of The Job
- Ensure That The Applicant Is Interviewed By Other Supervisors Who Do Not Share Identical Physical Characteristics As The Supervisor
- Ask All Applicants Whether They Can Communicate Effectively In Both Writing And Speech

DON'TS OF INTERVIEWING

- Begin The Interview By Asking Whether It Is “Ms.” or “Mrs.”
- Ask Questions Relating To An Applicant’s Family Or Church Merely Because They Introduce The Subject
- Inquire Regarding The Origin Of An Applicant’s Name
- Ever Reference An Applicant’s Age Or Mention Age In Any Capacity During The Interview
- Question If An Applicant Can Work On Sundays Because Of Their Religion
- Ask Questions That Are Gender-Based Instead Of Job-Based (e.g. type)

QUESTIONS?

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