

The McKenzie Mailer

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BAD BEHAVIOR BY MANAGERS CAN BE COSTLY

What do race, color, creed, gender, religion, national origin, citizenship, age, pregnancy, veteran status, physical and mental disability all have in common? The answer is they are all protected under federal discrimination laws. Many states and municipalities have also added marital status, genetic predisposition to disease and sexual orientation to this list.

The next question to ask is who is **not** a member of one of these protected classes? The answer to this question is that everyone is covered by at least one of the above categories. These laws have made it easier for employees to find a reason to sue their company. Plaintiff attorneys are looking for the people who feel they were wronged by their employer.

So if everyone is a member of a protected class, who is protecting the employers? Only the employer can protect his/her company. Many believe that people sue their employer for the money. Others think it is revenge. While both of these reasons have some validity, they do not take into account the underlying cause that motivated the employee to seek the advice of a lawyer. Most lawsuits are filed because employees feel that they are treated poorly by their boss. Court records are full of incidents of offensive and boorish behavior on the part of managers and co-workers. Here are some of the reasons people seek outside help.

“My boss is an idiot.”

Everyone has said this about their boss at one time or another. The employment laws do not cover personality differences or differences of opinion. The term “hostile work environment” refers to sexual harassment. However, many employees apply it to the way they are treated by their supervisor. A supervisor who is rude, arrogant and rules with a heavy hand is much more likely to land in court than one who is supportive of his/her employees.

“They did not take my complaints seriously.”

This is a bad mistake. All complaints must be taken seriously, even those coming from the chronic complainer. In fact, the complaints from the person who takes offense to the slightest offense are the people to fear the most. It is natural for a manager to get tired of everyday grumbling, but it is dangerous to ignore it.

“My supervisor never asked for my side of the story.”

This is another danger zone that managers often fall into. The sales manager calls and tells the customer service manager that a client complained that Jane, one of the service reps, was rude to him. The customer service manager immediately writes a written warning to the service rep. Later, in court, the customer service manager finds out that the client tried to engage the rep in a sexually explicit conversation. Who’s wrong in this situation?

“I always received good reviews.”

It is not being “nice” to give a sub-standard employee a satisfactory performance rating. Honesty is sometimes more difficult, but it has to be done. Firing someone with a good record of performance appraisals is cause for concern.

“They treated me like a criminal when I was fired.”

All people regardless of their reason for leaving must be treated with respect and dignity at all times and in all dealings. To do otherwise, is to open the door for a revengeful and spiteful ex-employee. There is no cost and little risk on the part of the employee to sue. An EEO charge does not cost the employee anything and many lawyers take cases on a contingency basis.

Regardless of the outcome of an EEOC complaint or a lawsuit, the time taken and the money spent to defend yourself means that you lose. The object is to stay out of court altogether.



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Bob McKenzie, President

www.mckenziehr.com

Telephone: (904) 273-8637

Cellular: (904) 655-2120

E-mail: bobm@mckenziehr.com