



Civil Behavior in the Workplace - A Manager's Perspective

An Online Continuing Education Course for Engineers

Course Number: FM-3002

Credit: 3 Hours / 3 PDH / 3 CPD

Civil Behavior in the Workplace - A Manager's Perspective

Richard Grimes



TABLE OF CONTENTS

OVERVIEW FOR THIS COURSE.....	5
LEARNING OBJECTIVES	6
BENEFITS OF THIS COURSE.....	7
LEGAL LINKS” IN THE WORKPLACE	8
TYPES OF PUNISHMENT	10
COMPENSATORY DAMAGES	10
PUNITIVE DAMAGES.....	11
CIVIL BEHAVIOR’S FOUR COMMANDMENTS	13
DESCRIBING BEHAVIOR EFFECTIVELY	15
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.....	18
ILLEGAL WORKPLACE BEHAVIORS.....	20
DISCRIMINATION.....	20
AGE DISCRIMINATION IN EMPLOYMENT ACT.....	21
BFOQ	21
DISCRIMINATION BASED ON DISABILITIES.....	23
HARASSMENT IN GENERAL	26
HARASSMENT AS INTIMIDATION.	27
THE EQUAL PAY ACT	28
SEXUAL HARASSMENT.....	29
EXAMPLES OF HARASSMENT COURT DECISIONS	31
RETALIATION	32
UNFAIR LABOR PRACTICES.	33
THE MANAGER’S OBLIGATION TO ACT.....	34
SAMPLES FOR REFERENCE	36

DOCUMENTATION FOR TERMINATION.....	36
WORK PLACE INVESTIGATION MODEL	39
RECORD OF EMPLOYEE INTERVIEW	40
RESOLVING CRITICAL PERFORMANCES AND/OR INCIDENT MISCONDUCT.....	41
REGARDING WRITTEN REPRIMAND, SUSPENSION or TERMINATION.....	42
EMPLOYEE CONFERENCE OR INTERVIEW	43
EMPLOYEE CONFERENCE SAMPLE	44
SUMMARY OF LAWS TO UNDERSTAND.....	46
HARASSMENT	47
AGE DISCRIMINATION	48
AMERICANS WITH DISABILITIES ACT.....	49
FAMILY AND MEDICAL LEAVE (FMLA)	50

OVERVIEW FOR THIS COURSE

Welcome to this course – we designed it to be the most important training you ever receive on the job because:

- It will teach you how to respond appropriately to inappropriate or illegal behavior you may encounter at work.
- It will give you more confidence as a manager or supervisor by clearly explaining your employer's expectations of you when dealing with workplace behavior issues.

The intended audience for this course *is anyone in a leadership position* – management, supervisory, or influential even if not supervising employees directly -as well as line employees who should know their rights and obligations in today's employment environment.

This course will help you understand and be able to apply the legal foundations of behaving in a civil manner within the workplace whether as a member of management or an employee. While it is not intended to replace any similar training provided by an employer, it will be a strong supplement for any that currently exists and will provide a good foundation where none exists.

You will learn about the legal linkage and liabilities between employers and employees and how to reduce the potential risk of expensive litigation as much as possible. There are guidelines on providing effective documentation that helps to show the person acted in a reasonable way and to describe the training and guidelines an employer should be providing to the workforce.

We have also included brief summaries of illegal workplace behaviors, sample cases for reference, samples of useful documentation forms, and summaries of the more important laws for easy understanding.

LEARNING OBJECTIVES

The intended learning objectives are:

1. Knowing how to respond appropriately to inappropriate or illegal behavior you may encounter at work.
2. To give you more confidence as a manager or supervisor by clearly explaining your employer's expectations of you when dealing with workplace behavior issues.
3. To help you avoid saying or doing something (*whether intentional or not*) that may cause someone to bring legal action (\$\$\$) against you.
4. To keep someone else (*whether intentional or not*) from denying you any of the rightful opportunities to which you are entitled as an employee.
5. To make sure you can no longer say with credibility "*I didn't know that*" regarding workplace issues of harassment, discrimination, and retaliation.
6. To explain the "LEGAL LINK" between you and your employer making it responsible for your actions in the workplace.
7. To explain the "LEGAL LINK" between YOU and your employees making YOU responsible for their actions in the workplace.
8. To help you apply in your workplace the practical examples and models taught here.
9. To help you beware of what you say and do in the workplace
10. To help you understand why you should not rely on "common sense"
11. To help you investigate and document your findings about a situation
12. To help you know when to ask for help in a situation
13. To help you decide what are the "right things to do" in a given situation
14. To help you describe situations effectively
15. To help you understand the difference between objective and subjective statements
16. To identify the specific legislation that provides the foundation for civil behavior in the workplace
17. To understand and be able to react appropriately to the various illegal workplace behaviors covered in that legislation
18. To understand how acts of "good intentions" could be perceived as discriminatory
19. To understand how "having a little harmless fun" could be seen as harassment
20. To help you understand the concept of "quid pro quo" and the dangers associated with it

21. To understand the scope of harassment decisions by providing actual court cases
22. To understand general concepts about unfair labor practices
23. To understand the manager's obligation to act
24. To understand what you must tell an employee before they tell you something in confidence
25. To understand the liability associated with the concept of "you knew or should have known"

BENEFITS OF THIS COURSE

It will give you a greater understanding of today's workplace behavior requirements allowing you to work more confidently and productively. It will also help if you are a manager to avoid potential legal and career risks associated with inappropriated behavior in the workplace.

There has been a steady increase of lawsuits in our country stemming from behavioral issues in the workplace. This litigation is very expensive from *financial and productivity standpoints* of employers and financial and career impact standpoints of employees. You can do a lot to protect yourself from negative financial and career impacts by learning what your employer expects you to do.

Also, to help you avoid saying or doing something (*whether intentional or not*) that may cause someone to bring legal action (\$\$\$) against you. And, to keep someone else (*whether intentional or not*) from denying you any of the rightful opportunities to which you are entitled as an employee.

And once again a reminder about taking this course:

We are not lawyers and are not trying to make you into a lawyer.

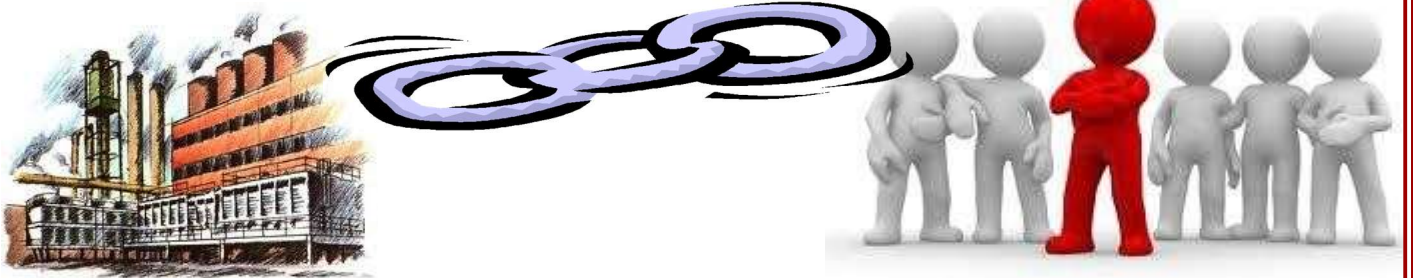
You must contact your organization's Human Resources Department to learn how your organization deals specifically with the issues we raise in this course

After this course, you can no longer say with credibility, "I didn't know that" regarding workplace issues of harassment, discrimination, and retaliation.

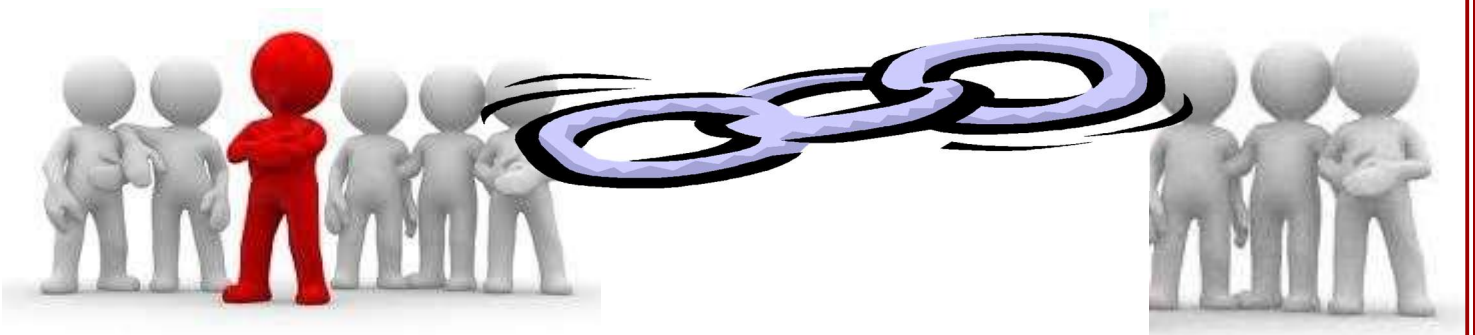
Your understanding is more important than your agreement with these issues. We will not waste your time arguing whether or not the cases we discuss "make sense", "are fair", "reasonable", or "unreasonable".

“LEGAL LINKS” IN THE WORKPLACE

There are two very critical “legal links” in any workplace about which you, as a leader in any capacity, must be aware:



There is a LEGAL LINK between your employer and **YOU** as a leader of a portion of their workforce making it (the employer) responsible for your actions in the workplace.



Additionally, there is also a “LEGAL LINK” between **YOU** and **YOUR EMPLOYEES** making **YOU responsible for their actions** in the workplace.

The Organization that employs you is legally responsible for your behavior while you are considered "at work". If you do something illegal during work hours (when you're considered "at work") but not necessarily at the workplace, the organization could be sued for your actions REGARDLESS IF ANY OFFICIAL IN THE ORGANIZATION ACTUALLY KNEW YOU WERE DOING IT!

The “workplace” can mean in the office, on the job site, at the airport waiting for a work-related flight, in a client’s office, etc. In short, anytime you’re being paid for being somewhere, that’s broadly-speaking “the workplace”.

The lawsuit will probably say, “The organization’s management knew or should have known you were doing that illegal act which demonstrates their failure to supervise you or to train you not to act that way.” That situation can become very expensive to the organization (and possible you) very quickly!

The lawsuit would ask for (AND PROBABLY GET) a lot of money from the organization because the organization has "deeper pockets" (more money) than you do!

What are some examples in your job that can mean work but not necessarily in the workplace”? (You could be running a work-related errand while driving in an accident. You could be traveling to a client site and could be attending a conference.)

Why should you care about the company’s products and services? (The concepts we cover in this course apply to the

What relationships exist between you and your employer? (and pay BIG \$\$\$) You must **act appropriately** to act appropriately. You could be held liable for your actions.

However, if they COULD have prevented the accident, they could diminish their risk and allow them to pay less (they taught you not to!)

What about the relationship between your employer and the employees who work for you? (Essentially the same situation as above)

